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COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 4

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Letter dated 9 April 1997 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

On 7 April 1997, an Israeli settler opened fire on a group of civilian Palestinians in the village of Kharabta in the West Bank, three of whom were wounded; the wounds of one of them are very serious.

Yesterday, 8 April 1997, two Israeli settlers opened fire on Palestinians in the central market of the city of Hebron, killing one Palestinian and wounding three others.

Following that, the Israeli soldiers opened fire on a Palestinian mass. They killed three civilian Palestinians named Nader Abdel Khalek Assaid, Yakoub Al Joulani and Assem Rachad Arafah and wounded 85; some of them are seriously wounded. This event took place beside Al Ibrahimi shrine in the city of Hebron in the West Bank.

At the same time, the Israeli bulldozers continue their work of digging up the land of Jabal Abou Ghenaim in East Jerusalem occupied since 1967 in preparation for establishing there a new settlement for the Israelis, violating in this way the terms of article 49 of the Fourth Geneva Convention on the protection of civilians in time of war, despite the denunciation of these acts by the international community and its calling upon Israel to refrain from these acts through your esteemed Commission's resolutions, the General Assembly resolutions as well as similar attitudes from all the States of the world. This is a confirmation that the Government of Israel refuses any effort towards a just and comprehensive peace.

The settlers' practices, which violate the principle of the right to life of the Palestinians by deliberately killing and wounding them, as was the case yesterday and the day before yesterday, and the persistence of the Israeli Government as well as the Israeli occupation authorities in building the settlement on Jabal Abou Ghenaim in occupied East Jerusalem are in the nature of war against the peace process and destroy it completely, a situation for which the Government of Israel and the authorities occupying the Palestinian territories should bear the responsibility.

I request you to kindly circulate to the distinguished members of the Commission this memorandum as an official document under item 4 of the agenda of the fifty-third session.

(Signed) Nabil RAMLAWI
Ambassador

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COMMISSION ON HUMAN RIGHTS
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Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 10 April 1997 from the Permanent Representative of Israel to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

Over the last week the Palestinian Observer delegate has bombarded you with a flurry of letters dated 1, 2 and 9 April 1997, about the situation in the territories. I am reluctant to engage in a "war of letters", because the place for meaningful exchanges between Israel and the Palestinians is at the negotiating table - and not your post-box.

Hence, I will make only a few observations.

Like Mr. Ramlawi's first letter in the series (of 26 March), all his subsequent ones are purposely distorted and disingenuous. For example, when he claims that the Palestinians are simply expressing their indignation at Israeli decisions "through peaceful means" (rioting, stoning, Molotov cocktails, etc.), he is giving new meaning to the phrase (in a letter appropriately dated 1 April).

When, in the same letter, he suggests that the building of a housing project in Jerusalem threatens the "peace and security of mankind", Mr. Ramlawi is exaggerating somewhat. But when he claims that international

law has established a "list of acts of aggression and crimes against the peace and security of mankind", his skills as an international lawyer can be seen to be seriously wanting.

Then, Mr. Ramlawi would be perhaps advised to re-examine the "Madrid principles" as set out in the letter of invitation to the Middle East Peace Conference (Madrid, October 1991) before he expatiates on them (his letter of 2 April).

Finally, if he thinks that he can delude members of the Commission on Human Rights into believing that Israeli civilians in Hebron simply open fire on Palestinians without extreme provocation (for example, after being attacked with chemical acid spray), and not in self-defence, then he is surely overestimating the credulity of members.

It is undeniable that the Middle East Peace Process is currently going through a difficult, if not critical, phase. But it is not the case that it has been destroyed - certainly not by Israel. Serious proposals are on the table, talks at the highest level continue, especially in Washington - and in witness thereof, two senior Palestinian representatives are meeting with the United States Secretary of State today.

What is needed now is for the Palestinians to drop their automatic resort to terror and violence every time they disagree with something in the negotiating process. Suicide bombers in Tel Aviv and outside Jewish settlements (covered by the Oslo Agreements) in the Gaza Strip are peace-breakers - not peace-makers.

Hence, what is urgently required is for the Palestinian leadership to convincingly take charge of the situation, to put an end to the terror and violence, to apprehend the perpetrators - and, above all, to return to the negotiating table.

I would be grateful if you could arrange for this letter to be distributed, as a matter of urgency, under item 10 of the agenda.

(signed) Yosef LAMDAN
Ambassador
Permanent Representative

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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Letter dated 9 April 1997 from the Permanent Representative of the Republic of Azerbaijan to the United Nations Office at Geneva addressed to the Secretariat of the Commission on Human Rights

I have the honour to transmit to you herewith updated information on the organization and implementation of terrorist activities by the Republic of Armenia against the Republic of Azerbaijan.

I should be grateful if you would circulate the present letter and its attachment* as a document of the fifty-third session of the Commission on Human Rights under agenda item 9.

(Signed) S. EIVAZOVA
Ambassador
Permanent Representative

* The annex is circulated in the language of submission only.

Annex

# ORGANIZATION AND IMPLEMENTATION OF TERRORIST ACTIVITIES BY THE REPUBLIC OF ARMENIA AGAINST THE REPUBLIC OF AZERBAIJAN

*"The Member States of the United Nations solemnly reaffirm their unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomever committed, including thouse which jeopardize the friendly relations among States and peoples and threaten the territorial integrity and security of States";*

*Acts, methods and practices of terrorism constitute a grave violation of the purposes and principles of the United Nations, which may pose a threat to international peace and security, jeopardize friendly relations among States, hinder international cooperation and aim at the destruction of human rights, fundamental freedoms and the democratic basis of society".*

*From the Declaration on Measures to Eliminate International Terrorism adopted by the United Nations General Assembly at its forty-ninth session (resolution 49/60).*

Together with its aggression against Azerbaijan, Armenia is actively engaged in subversive activity on Azerbaijani territory. The Armenian secret service and various Armenian terrorist organizations are systematically and deliberately perpetrating subversive and terrorist acts against peaceful citizens in Baku, Gyanja and other major population centres in the Republic of Azerbaijan, targeting industrial units and means of transport. Existing data indicate that the Armenian terrorist organizations have substantial material and human resources at their disposal as well as ample "experience" in preparing and implementing terrorist acts.

The many facts in the possession of the law-enforcement organs of Azerbaijan provide unconditional proof of Armenia's responsibility for the carrying out of terrorist activities against Azerbaijan and other States, its cooperation in the carrying out of such activities by various terrorist organizations and the assistance it has provided to such organizations by making its territory available to them for use as bases and training camps for the preparation and organization of terrorist acts against the States of the region. These facts thus provide sufficient grounds for including Armenia in the list of States which support terrorism at the State level.

Evidence of the special relationship of Armenia to international terrorists can be seen, for example, in the fact that the signatures of 1,227,473 nationals of that country were collected in defence of the Armenian terrorist Varujan Karapetyan, who was sentenced in France ti life imprisonment for placing an explosive device near the office of the Turkish airlines at Orly airport. The sizth grade at a school in Erevan had already been named in his honour, and in Erevan and Ejmiatsin exhibitions of his paintings were organized. Expressions of sympathy for terrorists by the highest political leadership in Armenia have included the appeal by the President of Armenia, Levon Ter-Petrosian, to the President of France, Jacques Chirac, for a pardon for V. Karapetyan, and the participation by the President of Armenia in the memorial service, attended by 50,000 people, for the whell-known international terrorist Monte Melkonyan and his presence at the latter's funeral in Erevan.

## International Armenian terrorism

The use of terrorism in the campaign to implement Armenia's annexationist plans has bloody historic antecedents. Armenian terrorist organizations began to emerge in the

late nineteenth century in the form of the Institute of Violence, whose aim was the establishment of "Greater Armenia". Armenian terrorism assumed global dimensions in the early 1970s, when terrorist training bases appeared in a number of countries, the largest of them being established in the Middle East. The main activities of subversive groups from such terrorist organizations as the Armenian Secret Army for the Liberation of Armenia (ASALA), the Commandos of Justice of the Armenian Genocide and the Armenian Revolutionary Army were carried out in the countries of Western Europe and North America.

Unlike the nationalist parties Gnchak and Dashnaktsutyun, which formulated an ideological platform based on a policy of assertion of territorial claims, these organizations fall into a strictly military-terrorist category, dealing with "practical problems" in implementation of the "projects" devised by their ideologues. They are to blame for the murder of hundreds of citizens of the United States of America, Turkey, the USSR, France, Azerbaijan and other countries.

It is an established fact, for example, that the founder of the ASALA terrorist organization, Akop Akopyan, began his dismal career as a member of the terrorist group that massacred the Israeli athletes at the Munich Olympic Games in 1972.

In January 1978, a terrorist group consisting of S. Zatikyan, Z. Bagdarsyan and A. Stepanyan caused and explosion in the Moscow underground railway system whose victims were innocent citizens, including women and children.

The foremost acts of Armenian international terrorism occured in the 1980s, when ASALA was involved in the organization of a series of bomb blasts in the French capital, Paris, one of them at the city's Orly airport. Ten people were killed and 150 injured as a result of these terrorist acts.

It is no secret that there are close ties between the Armenian secret service and other known terrorist organization responsible for killing thousands of innocent people, in particular the Kurdish Worker's Party, militant members of which, according to the information available, are undergoing training at bases made available to them in the territory of Armenia.

Since the late 1980s, Armenian terrorism in the territory of the former USSR has tended to increase, particularly following Armenia's open assertion of territorial claims on Azerbaijan and the launching of armed operations in the nagorny-karabakh region of the Republic of Azerbaijan.

In April 1992, Colonel Blakhotin, Commanding Officer of the internal troops of the Ministry of Internal Affairs of the USSR in the Northern Caucasus and Transcaucasia, was shot dead at the entrance to his home in the centre of Rostov (Russian Federation). The arrested terrorists were individuals of Armenian nationality, one a resident of Erevan, the second of Hankendi (during Soviet period - Stepanakert) and the third of Rostov. According to the authorities responsible for the murder investigation, the clues led to centres of terrorist organizations in the service of the official authorities of Armenia and their proteges in nagorny-karabakh region.

**Terrorist acts on the roads and land transport in the territory of Azerbaijan**

The first entry in the tragic list of crimes by Armenian terrorists in the territory of Azerbaijan was made in 1984, when, in Baku, a passenger bus on the No.106 route was blown up, killing one women - mother of two children - and injuring several other people. Members of the Azerbaijani Special Service datained the terrorist responsible for that callous crime, identified as an Armenian named Vartanov, who was connected with undeground Armenian terrorist groups in Azerbaijan.

In early 1988, terrorism in Armenia was raised to the status of State policy and its target was the territory of Azerbaijan. Weapons and ammunition were transported on a large scale from Armenia to the nagorny-karabakh region of the Republic of Azerbaijan and into the hands of undeground Armenian terrorist groups in other parts of the territory of Azerbaijan. In 1988 alone, more than 100 instances of the illegal manufacture and the theft of firearms were uncovered by the law enforcement agencies of Azerbaijan. During the same year, Armenian terrorists carried out 32 terrorist acts in the territory of the nagorny-karabakh region of Azerbaijan and in districts on the frontier with Armenia, the victims of which were primarily civilians.

Terrorists cut off the roads between Azerbaijani villages, set ambushes on the main roads and on numerous occasions blew up bridges and other vital facilities, including the pipeline supplying Gyanja (Azerbaijan's second largest city) with its drinking water.

On 7 Octob[illegible] 1989, the road bridge across the river Halfalichai on the southern edge of the town of Ha[illegible]kendi, was blown up. On 29 April 1992, the perpetrator of this terrorist act - one A. Abramyan - was sentensed to 15 years imprisonment by the Court of the Republic of Azerbaijan.

Over the period from 19 January to 17 February 1990, a terrorist group based in Erevan (Armenia's capital) carried out numerous raids from the territory of Armenia on the innocent inhabitants of frontier villages in the Gazakh district of Azerbaijan, resulting in the death of F. Mustafaev, inhabitant of Khirimly village, and S. Magerramov and N. Guliev, shepherds from Sofulu village. The same terrorist group carried out an attack on a patrol vehicle of the Gazakh district division of internal affairs and plotted the destruction of a railway locomotive. Two members of the group, L. Arutyunyan and A. Mkrtchyan, detained by the law enforcement agencies of Azerbaijan, were sentenced to five and six years imprisonment, respectively, by the Supreme Court of the Republic of Azerbaijan.

On 18 February 1990, 13 people were injured by an explosion in an intercity bus on the Shusha-Baku line, at the 105 km. marker on the Evlakh-Lachin road.

On 4 March 1990, Armenian terrorists blew up the Nabiyar-Shusha pipeline, which supplied the town of Shusha with its drinking water.

On 11 July 1990, between the settlementes of Getavan and Charektar in the Agdere district of Azerbaijan, an armed assault was launched on a road convoy, travelling under troop escort and conveying people and goods to the town of Kelbajar. In that terrorist act, three people were killed and 23 injured. On 19 June 1992, the individual identified during the investigation as the perpatrator of this crime, one A. Airiyan, was sentensed by the Supreme Court of the Republic of Azerbaijan to death by firing squad.

On 10 August 1990, in the Khanlar district of Azerbaijan, Armenian terrorists blew up an inter-city bus operating on the Tbilisi-Agdam route, killing 20 passengers and injuring 30. The perpetrators of that terrorist act were arrested before they were able to carry out their plan to blow up, on 17 June 1991, a bus on the Agdam-Tbilisi route. The Supreme Court of the Republic of Azerbaijan found A. Avanesyan and M. Tatevosyan guilty of those crimes and sentenced them to, respectively, death by firing squad and 15 years imprisonment.

On the instruction of his leaders, M. Grigoryan, a member of the terrorist organization Ergraparkh, based in the territory of Armenia, set up a terrorist group composed of inhabitants of the Echmiadzin district of Armenia, which, in November 1990, was sent into the territory of Azerbaijan. This group was disarmed by the law enforcement agencies of Azerbaijan while attempting to carry out acts of terrorism and sabotage. By its decision of 18 June 1991, the Supreme Court of the Republic of Azerbaijan handed down

the following prison sentences on the members of the group: T. Khachatryan - nine years, Z. Oganyan - eight years and A. Grigoryan - seven years.

On 9 January 1991, at the 5 km. marker on the Lachin-Shusha road in the area of Galadarasi village, Armenia terrorists fired on a UAZ-469 vehicle belonging to military unit 44688 of the city of Gyanja, killing the driver, Sergeant I. Goek, the commander of the reconnaissance battalion, Lieutenant Colonel A. Larionov, the chief of staff in the commandant's office of military unit 3505 (the command centre for the special units of the interior forces of the Ministry of Internal Affairs of the USSR), Major I. Ivanov, and a journalist from the newspaper "Molodezh Azerbaidzhana" - Ms. S. Askerova, born 1969, who left an orphaned infant son. On 23 March 1993, the perpetrators of this crime - A. Mkrtchyan, G. Petrosyan, A. Mangasaryan, G. Arutyunyan and G. Arustamyan, who, in addition to the case in question, had been responsible for other acts of terrorism and murders - were sentenced by the Supreme Court of the Republic of Azerbaijan to death by firing squad, and other members of the terrorist group to prison sentences of varying lengths.

The law enforcement agencies of Azerbaijan detained and disarmed two members of the Armenia-based terrorist organization Urartu, A. Tatevosyan and V. Petrosyan, who, on 2 August 1991, had carried out an armed attack on inhabitants of the Kelbajar district of Azerbaijan. The terrorists in question were sentenced by the Supreme Court of the Republic of Azerbaijan to ten and eight years imprisonment, respectively.

**Terrorist acts carried out by Armenia on the rail, sea and air transport of Azerbaijan**

In terms of the safety of transport facilities, the most vulnerable is rail transport which, as distinct from other forms of communication, lacks effective means of defending itself, for the simple reason that there is always the possibility for criminals, after they have been checked, to leave the scene of the crime. Quite apart from that, acts of terrorism on passenger transport are clearly capable of resulting in a considerable number of victims.

After progressively stepping up military activity in the mountainous part of Karabakh and at the same time inserting subversives and saboteurs, contract killers and agents provocateurs throughout Azerbaijani territory, Armenia outposted guerillas to the rail links into Azerbaijan. In accordance with a previously arranged plan, a terrorist campaign began on passanger trains.

On 27 May 1989, on a train from Erevan to Baku, an Armenian citizen, V. Minasyan, was arrested and found to be in possession of an explosive device. In her statement she confessed that she had been intending to carry out an act of subotage in Baku. The first attempt to carry out the plans did not succeed, but on 24 July 1989 there was an explosion on a train of Azerbaijan Railways at Karchevan station.

On 30 May 1991 11 people were killed and 22 injured following an explosion on a passenger train from Moscow to Baku near Khasavyurt station (Russian Federation).

In May 1991 officials of the law enforcement agencies arrested S. Aznaryan, an inhabitant of the Noemberyan district of Armenia, in a Baku-Tbilisi train at Shamkir station and removed from his possession two mines, a sub-machine-gun and maps of the Azerbaijan rail and road network.

On 31 July 1991 a Moscow-Baku passenger train was blown up near Temigrau station (Russian Federation), killing 16 people and injuring 20.

On 28 February 1993 11 people were killed and 18 injured near Gudermes station (Russian Federation) by a bomb placed in a Baku-Kislovodsk train.

On 2 June 1993 a passanger carriage was blown up in a siding at Baku railway station. On 22 July 1994, I. Khatkovskiy was found guilty of committing this crime and sentenced to eight years imprisonment by the Supreme Court of the Republic of Azerbaijan.

On 1 February 1994 a Kislovodsk-Baku passenger train was blown up at Baku station, killing 3 people and injuring more than 20.

On 9 April 1994 a railway car was blown up at Khudat (Azerbaijan) station.

On 19 March 1994 a bomb placed in one of the carriages of a train by Armenian terrorists exploded an undeground railway station in Baku. As a result of this act, 14 people were left lying lifeless and 42 were injured, some seriously. Recently in Baku, the trial took place of 10 members of the terrorist organization Sadval, the aim of which is to seize by force of arms part of the territory in the northern part of the Republic of Azerbaijan. During the investigation and trial, it was established that the Armenian secret service had cooperated in the establishment of Sadval and in providing funding and weapons for that organization and that the leaders of Sadval had repeatedly visited Erevan and had meetings with various State authorities in Armenia. It was also established that, with a view to carrying out subversive and terrorist acts in the territory of Azerbaijan, 17 terrorists of the Sadval organization had, in April 1992, undergone special subversive training at a training centre of the Ministry of Defence of Armenia located in the village of Lusokert in the Nairi district of Armenia. The court found the accused guilty and pronounced appropriate sentences on the members of Sadval for carrying out a terrorist act at the "20 January" metro station in Baku on 19 March 1994, as a result of which 14 people were killed and 42 sustained bodily injuries of varying degrees of severity.

Only thanks to the alertness of the railway staff who on 26 March 1994 found an explosive device in a railway carriage at Kazy-Magomed station of Azerbaijan Railways was another tragedy averted.

Six people were killed and three wounded at Dagestanskiye Ogni station (Russian Federation) on 13 April 1994 as a result of an explosion on a Moscow-Baku passenger train.

On 3 July 1994 there was an explosion on a train between the "28 May" and "Gyanjlik" underground stations in Baku, killing 14 people and wounding 54.

The heightened danger zone for flights is not comparable with that for terrestrial communications and is confined to the airspace over the nagorny-karabakh region of the Republic of Azerbaijan and the districts of Azerbaijan which border on Armenia and are within range of Armenian anti-aircraft and rocket emplacements. In the majority of cases of Azerbaijani aircraft being destroyed in the skies over Azerbaijan, it has been from the ground.

In December 1988 a military transport aircraft on the Baku-Erevan route with rescue-workers and humanitarian aid for victims of the Armenian earthquake on board suffered a disaster near Erevan in circumstances which remain unexplained. Some versions speak of firing, and others of the deliberate disorientation of the pilot by air traffic control at Erevan airport (in view of the low altitude of the flight and the mountainous terrain) or the placing of a bomb on board. The underflying motive for this planned "air disaster" is completely unprecedented, in that the victims of this crime were 79 people who had been sent on a humanitarian mission from Azerbaijan to Armenia, despite the difficulties that had by then arisen in relations between the two republics.

Civilian aircraft of minor Azerbaijani airlines have been the most frequent targets for the criminal missile attacks of Armenian terrorists.

For example, on 20 November 1991 an Mi-8 helicopter carrying a group of peace-enforcement representatives from Russia, Kazakhstan and the senior Azerbaijani leadership was shot down near the village of Karakend in the Khojaven district of the Republic of Azerbaijan. The killing of 22 people, including statesmen from three countries, effectively put an end to the first attempt to settle the Armenian-Azerbaijani conflict and prompted an escalation of violence in the region.

On 28 January 1992 a civilian helicopter flying on the Agdam-Shusha route was shot down by Armenian terrorists over the Azerbaijani town of Shusha, killing 41 passengers, most of them women and children, as well as the crew.

On 17 March 1994 an Iranian C-130 transport aircraft was shot down in Azerbaijani airspace over Azerbaijani territory occupied by Armenian armed forces, resulting in the death of 32 people who were citizens of the Islamic Republic of Iran.

The single successful case of sabotage carried out by Armenian terrorists against vessels of the Azerbaijan Caspian Shipping line occurred on 8 January 1992. An explosion on the ferry "Sovetskaya Kalmykia" operating between Krasnovodsk (Turkmenistan) and Baku claimed the lives of 25 people and injured 88. The same year an attempt to carry an explosive device on to the steamer "Sabit Orujiev" was stopped in time.

**Information regarding the criminal case of I. Khatkovsky**

On 6 August 1993 Igor Anatolievich Khatkovsky, a Russian national born in 1959, correspondent for the newspaper "Demokratichesky Tilzit", resident of the village Gastelovo in the Slavsky District of the Kaliningrad region of the Russian Federation, was detained in Baku by the authorities of the Republic of Azerbaijan. He was found to be in possession of TNT slabs and other special means of committing acts of subotage. On that basis, criminal charges were filed against I. Khatkovsky and an investigation was begun.

The investigation process revealed that in February 1993 I. Khatkovsky, with the help of the station chief's office of the Armenian secret service in the Russian Federation, came to Erevan, where he was recruited by the head of the intelligence service of the Directorate for National Security (the former KGB) of Armenia, Lieutenant-Colonel Jan Anushavanovich Oganesyan, who is directly involved in the organization and conduct of subversive and terrorist operations in the territory of Azerbaijan. Working actively with I. Khatkovsky were Major Ashot Araratovich Galoyan, an agent of the Armenian Directorate for National Security, Boris Vasgenovich Simonyan and Valery Surenovich Petrosian, residents of Moscow, also suspected of collaborating with the Armenian special services. They gave detailed instructions to I. Khatkovsky on how to organize the bombing of transportation facilities, communications and vital services in Azerbaijan, gather intelligence information and commit terrorist acts in the territory of the Russian Federation.

The investigation documented and proved that I. Khatkovsky was responsible for the bombing on 2 June 1993 of a passenger railway carriage in a train station in Baku and the mining on 19 May 1993 of a goods train in a station in the city of Derbent (Russian Federation).

On the instructions of the Armenian secret service, Khatkovsky gathered information on the social, political and economic situation in Azerbaijan, and about government leaders and heads of political parties, schedules for trains travelling from the Russian Federation to Azerbaijan, border, customs and passport control procedures, the location of important transportation hubs and engineering installations, gas and oil pipelines and electric power lines along railway itineraries, as well as information about specific individuals living in Baku.

Making frequent trips to Erevan and Baku, I. Khatkovsky passed the information he had gathered on to J. Oganesyan, for whom he prepared several detailed written reports. As compensation and in repayment for expenses incurred in Erevan and Moscow during February and March 1993, he received from J. Oganesyan, B. Simonyan and A. Galoyan funds amounting to 470,000 Russian roubles. Moreover, as part of the conspiracy, in exchange for the funds they had paid, they were given receipts from a commercial business called "Topan", which is in fact a cover for the intelligence service of the Armenian Directorate for National Security and is located in the Hotel Ani in Erevan.

On 22 July 1994, the Supreme Court of the Republic of Azerbaijan found I. Khatkovsky guilty as charged of the above mentioned crimes and sentenced him to eight years imprisonment.

The Ministry of National Security of Azerbaijan informed the Federal Couterespionage Service (FCS) of the Russian Federation of certain facts brought to light during the investigation concerning the terrorist activities of the Armenian secret service in Azerbaijan and in the territory of the Russian Federation using Russian citizens. As a result, on 13 May 1994 J. Oganesyan, B. Simonyan and A. Galoyan, and at a later date another agent of the local office, V. Petrosian, were arrested in Moscow by FCS agents. Upon their arrest, the suspects were found to have made caches containing large stocks of explosives, weapons and ammunition. The chief military prosecutor of the Russian Federation filed criminal charges against the above-mentioned individuals under articles 68 (subversive activities), 213 (terrorism) and 218 (illegal possession of ammunition) of the Penal Code of the Russian Federation. Despite rersistent attempts by the Armenian authorities to avoid publicity concerning the participation of the Armenian secret service in terrorist activities and to influence the investigation, the case of the Armenian terrorists was handed over to the courts and the circumstances were the subject of reports by the mass information media. For instance, thr Russian newspaper Argumenty i fakty reported the following facts:

"... Between 1991 and 1993, the countries of the Commonwealth of Independent States suffered a series of brutal terrorist acts ... In Russian, Azerbaijani and Gergian territory, passenger and good trains headed for Baku began to be blown up with alarming regularity. The services responsible were run off their feet searching for the malefactors. In the summer of 1993, in Baku, a certain Igor Khatkovsky was arrested and found to be in possession of a whole set of explosive devices ... In the autumn of the same year, another operative, Soso Aroyan, an agent of the counter-espionage service of the Transcaucasian Military District, was arrested while attempting to place a bomb on a train from Tbilisi to Baku. Both gave evidence, which reported to Moscow. The Russian secret services were involved in the case. After a carefully planned operation in May 1994, officials of the Federal Security Service (FSB) ()at that time the Federal Counterespionage Service (FCS)) of the Russian Federation in Moscow arrested a group of terrorist organizers ... The head of the group was Lieutenant-Colonel Jan Oganesyan, the chief of the department of intelligence and subversive operations in the territory of an adversary, the Directorate for National Security of Armenia (counterpart of FSB). The second was his subordinate, Lieutenant-Colonel Ashot Galoyan. A third, Boris Simonyan, worked in FCS, in the department dealing with combating terrorism. All three were Russian nationals, residents of Moscow. The first two were consultant members of the Fund for the Technological and Intellectual Development of Russia (TIRR), which was headed by a certain Valery Petrosian ... " (Alexander Kakotkin, "Takoe ni v odnom detektive ne pridumaesh", Argumenty i fakty, No. 26 (819), June 1996).

According to the information from the same source, the military tribunal of the Tambov garrison sentenced J. Oganesyan, A. Galoyan and B. Simonyan to various terms of imprisonment. In the same article in the newspaper Argumenty i fakty, it was futher reported that, according to unofficial sources, "... Ashot Galoyan, after having attempted to

hang himself in his cell, was promoted to colonel on his return to Armenia (after his release - Ed.)" (Alexander Kakotkin, ibid.).

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 9 April 1997 from the Permanent Representative of the Republic of Azerbaijan to the United Nations Office in Geneva addressed to the Secretariat of the Commission on Human Rights

I have the honour to transmit to you herewith the revised information on the grave violations of human rights committed during the course of the Armenian aggression against Azerbaijan.

I should be grateful if you would have the present letter and above-mentioned information* circulated as a document of the fifty-third session of the Commission on Human Rights under agenda item 10.

(Signed) S. Eivazova
Ambassador
Permanent Representative

* The annex is reproduced as submitted in the language of submission only.

ANNEX

## *INFORMATION ON THE GRAVE VIOLATIONS OF HUMAN RIGHTS COMMITTED DURING THE COURSE OF THE ARMENIAN AGGRESSION AGAINST AZERBAIJAN*

The armed aggression of the Republic of Armenia against the Republic of Azerbaijan pursuant to its policy of violent acquisition of territory and its plans to establish a "Greater Armenia" has resulted in gross and flagrant violations of human rights which fall within the category of crimes against humanity.

The armed hostilities against Azerbaijan were preceded by anti-constitutional actions in the nagorny-karabakh region of Azerbaijan perpetrated by separatist groups receiving outside support; forming the backdrop to these actions were certain decisions taken by the Armenian authorities in contravention of international law. Of these decisions, the most notorious is the resolution "Reunification of the Armenian Soviet Socialist Republic and Nagorny Karabakh" adopted by the Armenian Parliament on 1 December 1989. Moreover, in Armenia's declaration of sovereignty of 23 August 1990, part of the territory of another State - the nagorny-karabakh region of Azerbaijan - is recognized as an integral part of the Republic of Armenia. These decisions by the Armenian Parliament were enacted by its armed forces with the widespread use of mercenary bands and a sudden upsurge in terrorist activity by the Armenian special services and terrorist organizations against sovereign Azerbaijan with a view to wresting away part of its age-old lands. All-out hostilities began at the end of 1991 and the start of 1992 when Armenian armed formations initiated combat operations in the nagorny-karabakh region of Azerbaijan using the very latest weapons systems. Since May 1992 their armed forces have made incursions beyond the borders of the former Nagorny Karabakh Autonomous Region into other parts of the country.

As a result of more than eight years of war, approximately 20 per cent of the entire territory of Azerbaijan, comprising nagorny-karabakh region and an area four times bigger than that region, has been occupied and held by the Armenian armed forces.

A chronological list of the seizure of Azerbaijani towns and districts follows:

28 February 1992 - Khojaly

8 May 1992 - Shusha

18 May 1992 - Lachin

3 April 1993 - Kelbajar

28 June 1993 - Agdere

23 July 1993 - Agdam

23 August 1993 -- Fizuli

26 August 1993 - Djebrail

30 September 1993 - Kubatly

28 October 1993 - Zangelan and Goradiz

It should be noted in particular that the Agdere and Agdam districts of Azerbaijan were seized by Armenian armed forces following the adoption of Security Council resolution 822 (1993) of 30 April 1993, which condemned the occupation of the Kelbajar district; the Fizuli district was seized after the adoption of Security Council resolution 853 (1993) of 29 July 1993 condemning the seizure of the Agdam district; and the Djebrail and Kubatly districts were seized after the adoption of Security Council resolution 874

(1993) of 14 October 1993. In its resolution 884 (1993) of 11 November 1993, the Council condemned the occupation of the Zangelan district and the city of Goradiz, attacks on civilians and bombardments of the territory of the Republic of Azerbaijan. In all the above-mentioned resolutions, the Council underscored respect for the sovereignty, territorial integrity and inviolability of the borders of the Republic of Azerbaijan, and the inadmissibility of using force to acquire territory. It also demanded the immediate cessation of armed hostilities and hostile acts, and the immediate, full and unconditional withdrawal of all occupying forces from the occupied areas of Azerbaijan. Despite the unequivocal demands of the Security Council, the Republic of Armenia is today still holding on to occupied Azerbaijani territory and increasing its military presence there.

As a result of the aggression and ethnic cleansing of Azerbaijanis from the territory of Armenia proper and from the occupied part of the territory of Azerbaijan, there are currently over 1 million refugees and displaced persons in Azerbaijan. A total of 900 settlements have been looted and destroyed. Over 9 million square metres of civilian housing, state enterprises and social facilities have been destroyed and burnt. The total cost of the destroyed housing and the property removed therefrom amounts to tens of billions of dollars. An extremely serious humanitarian situation has developed in Azerbaijan.

Every year hundreds of elderly people, women and children die in refugee camps as a result of diseases and epidemics.

The Armenian armed forces, backed by mercenary formations and Armenian terrorist groups, have killed over 18,000 people and wounded or maimed over 50,000. Several thousand people are missing and extrajudicial executions and mass shootings of civilians have been carried out. Kidnapped hostages held in Armenia and the occupied areas of Azerbaijan are doing forced labour and being made to endure inhumane treatment, beatings, torture and other gross violations of their human rights.

According to information from the State Commission of the Republic of Azerbaijan on prisoners of war, hostages and missing persons, as a result of Armenian aggression these categories comprised 4,674 Azerbaijani citizens as at 1 March 1997. This total includes 314 women, 61 children and 253 elderly people (lists of missing women, children and elderly people are attached). The State Commission knows the whereabouts of over 900 of these people, including 39 women, 12 children and 39 elderly people, in the territory of the Republic of Armenia and the occupied Azerbaijani territories. The vast majority of them are being detained by the Armenian side without the knowledge of the International Committee of the Red Cross (ICRC), and therefore do not appear on that organization's lists.

The hostages and prisoners of war held by the Armenians, many of whom are considered missing persons since they are being concealed from the ICRC, are forced to do heavy physical labour, subjected to beatings and torture, and the sick and wounded are denied basic medical assistance. The State Commission has learnt that 145 Azerbaijanis have died in Armenian captivity. Four people, who endured indescribable degradation and suffering, died shortly after being released.

**Ethnic cleansing of Armenian territory of its Azerbaijani inhabitants**

The widespread settlement of Transcaucasia by Armenians began after tsarist Russia's military conquest of the Caucasus. Taking advantage of the changed demographic situation, the Armenians, under the tutelage of the rulers of tsarist Russia and, later, the communist leaders of the Soviet Union, encroached on the native Azerbaijani population in various parts of the region.

It is a matter of historical fact that in 1828-1829 alone, 130,000 Armenians were resettled out of Middle Eastern countries into the area now forming the Republic of Armenia; another 600,000 were resettled later.

By 1918, the number of Azerbaijanis in what is now Armenia stood at 575,000 - more than a third of all the inhabitants of the area. But as a result of the Armenian Government's deliberate policy of expelling the Azerbaijani population, there remains today in Armenia not a single Azerbaijani out of that half-million-strong community.

Between December 1917 and the end of June 1918, Armenian army units plundered and burnt 200 Azerbaijani villages in Erevan province. The surviving inhabitants fled to the mountains, where they died of cold and starvation. Over that period, Armenian troops occupied the whole of the Surmalin district and parts of the Erevan, Echmiadzin and Sharur districts, which they purged of Azerbaijanis by force of arms.

Throughout Armenia between 1918 and 1920, Azerbaijanis were subjected to violence of unimaginable savagery. Sixty Azerbaijani villages were destroyed and all their male inhabitants killed in the districts of Igdir and Echmiadzin; in Geichin province, 22 villages were destroyed and 60,000 inhabitants killed; in Yeni Bayazid, 84 villages and 15,000 homes were destroyed. Over the summer and autumn of 1918, 115 Azerbaijani villages and hamlets in the district of Zangezur were destroyed; 7,729 Azerbaijanis were brutally murdered - 3,257 men, 2,276 women and 2,196 children.

Forced deportations and mass killings of the peaceable Azerbaijani population continued into 1920. The remnants of the Azerbaijani population in Erevan province and the Zangezur and Echmiadzin districts were driven out or annihilated, and their villages ploughed into the ground.

Research has shown that around 2 million Azerbaijanis and members of other ethnic groups were killed, wounded or forcibly expelled over this period.

One of the leading figures in the Kremlin, A. Mikoyan, played a major role in the execution of the Armenian nationalists' plans for the ethnic cleansing of Armenia. Making use of his influence over Stalin, he secured the signature of the "little father of the peoples" on decrees by the Council of Ministers of the Union of Soviet Socialist Republics No. 4083 of 23 December 1947, "Resettlement of collective farmers and other Azerbaijani inhabitants from the Armenian SSR to the Kur-Arax Depression in the Azerbaijani SSR", and No. 754 of 10 March 1948, "Action to resettle collective farmers and other Azerbaijani inhabitants from the Armenian SSR to the Kur-Arax Depression in the Azerbaijani SSR". Under these decrees, during the period 1948-1951 more than 100,000 Azerbaijanis were forcibly resettled from their historical homelands - the mountainous regions of Armenia - to the then waterless steppes of Mugan and the Mil plateau. Many of them could not withstand the ordeal and perished.

The forcing of the Azerbaijanis out of Armenia was accompanied by flagrant discrimination in breach of their constitutional rights and a refusal to cater to their national and cultural interests. Hundreds of thousands of the Azerbaijanis who remained in Armenia until 1988, surviving as compact groups, displayed none of the hallmarks even of national cultural autonomy. Attempts to so much as mention this were promptly, roughly and savagely suppressed. In essence, access for Azerbaijanis in Armenia to employment in state entities was barred.

In the winter of 1988, a fresh bout of ethnic cleansing began as the culmination of a deliberate policy to destroy all trace of the very existence of Azerbaijanis in Armenia. Under instructions from, and with the blessing of, the Armenian authorities, the remaining 40,897 Azerbaijani families (185,519 individuals) were forcibly deported from their

historical homelands within the present-day Armenian State, and left without homes or belongings.

The mass expulsion was accompanied by killings and maimings. In the space of just three days, from 27 to 29 November 1988, pogroms in the Armenian towns of Gugark, Spitak and Stepanavan killed 33 Azerbaijanis.

In all, according to figures from the State Prosecutors's Office of the Republic of Azerbaijan, 216 Azerbaijanis died during the ethnic cleansing in Armenian territory in 1988-1989; 49 froze to death, seeking safety from reprisals in the mountains; 41 died of savage beatings; 35 were killed after torture; 115 were burnt alive; 16 were shot; 10, unable to endure the humiliation, died of heart attacks; 2 were killed right in hospital by their Armenian doctors; 3 were drowned; 1 was hanged; 1, not wishing to die an agonizing death, took his own life; 1 was electrocuted; 2 were beheaded; 29 were deliberately run over; 3 died in hospital because they were not given medical attention; and a further 8 were abducted and vanished without trace.

The majority of the dead were children, women and elderly people. They included 5 infants and 18 children of various ages. Seven-year-old Zokhra Nabieva was burnt alive. Three-year-old Rakhman Mamedov was not given the doctor's attention he needed, and subsequently died. Seven children froze to death, two died after savage beatings, two were shot. Elman Aliev, three years old, suffered a heart attack. Six were unable to withstand brutal torture and died; three were run over.

Fifty-seven Azerbaijani women came to a tragic end on Armenian soil. Seven were beaten to death, five froze, four died under torture, three of heart attacks, two under the wheels of cars; one was decapitated, one was drowned, one was burnt, two died of gunshot wounds for which they did not receive the necessary medical attention, and one was killed by doctors in hospital. The remainder disappeared without trace and are probably dead, given than there has been no news of them for a long time now.

Sixty elderly Azerbaijanis (over 60 years of age) also died during their expulsion from Armenia, among them 20 women. In most cases their deaths resulted from torture, bullet wounds, heart attacks, beatings and frostbite. Gyulsum Aliev, aged 76, Khanum Iskenderov, aged 73, Mekhrali Aliev, aged 68, Garib Bairamov, aged 67 and Leila Huseinova, aged 63, were burnt. A doctor killed Hasan Ellazov, aged 68, in hospital. The most widespread atrocities occurred in the Gukar district, where 22 Azerbaijanis lost their lives, 13 of them being burnt to death. Crimes against the Azerbaijani population were also committed in the Kalinin, Goris, Stepanavan, Vardenis, Masis, Spitak, Ararat, Kirovakan, Ijevan, Krasnoselsk, Ekhegnadzor, Amasia, Kafan, Abovyan, Sevan and Noyemberian districts of Armenia.

Virtually all the attacks on Azerbaijani settlements had the blessing of the official Armenian authorities and were commanded by local leaders and responsible figures or by members of the local law-enforcement bodies.

During the forcible expulsion of the Azerbaijanis, hundreds of historical relics testifying to the fact that Azerbaijanis had for centuries belonged on the land in what is today Armenia were either destroyed or altered to look Armenian. Islamic places of worship and the graves in Azerbaijani cemeteries were defiled; mosques and tombs were damaged or broken up for building materials.

To erase from history the fact that Azerbaijanis had lived in Armenia, the names of some 2,000 towns and villages that formerly bore Azerbaijani names have been changed; 465 villages were renamed between 1935 and 1973, and 97 in April 1991.

The concluding, tragic chord had been played in a meticulously planned campaign of physical extermination of the Azerbaijanis, once the most populous of the national minorities in the Republic of Armenia.

## THE FACTS CONCERNING THE GROSS VIOLATIONS OF HUMAN RIGHTS IN THE PART OF THE REPUBLIC OF AZERBAIJAN OCCUPIED BY THE ARMED FORCES OF THE REPUBLIC OF ARMENIA

### Arbitrary and extrajudicial executions and mass shootings

#### Khojaly

One of the most heinous crimes against the Azerbaijani people was the brutal annihilation of hundreds of blameless inhabitants of the town of Khojaly, in the nagorny-karabakh region of the Republic of Azerbaijan, which was taken by Armenian troops on the night of 25/26 February 1992. The Armenian armed forces and mercenary units spared virtually none of those who had been unable to flee Khojaly and the surrounding area. In the words of the journalist Chingiz Mustafaev, among the dead were "... dozens upon dozens of children between 2 and 15 years old, women and old people, in most cases shot at pointblank range in the head. The position of the bodies indicated that the people had been killed in cold blood, calculatedly, without any sign of a struggle or of having tried to escape. Some had been taken aside and shot singly; many had been killed as whole families at once. Some corpses displayed several wounds, one of which was invariably in the head, suggesting that the wounded had been finished off. Some children were found with severed ears; the skin had been cut from the left side of an elderly woman's face; and men had been scalped. There were corpses that had clearly been robbed. The first time we arrived at the scene of the shootings of 28 February, accompanied by two military helicopters, we saw from the air an open area about one kilometre across which was strewn with corpses almost everywhere ..." (Khojaly - The Last Day, Baku, Azerbaijan publishing house, 1992).

An inhabitant of Khojaly, Djanan Orudjev, also provided information on the many victims, chiefly women and children. His 16-year-old son was shot, and his 23-year-old daughter with her twin children and another, 18-year-old daughter who was pregnant, were taken hostage. Saria Talybova, who witnessed the bloody tragedy as it unfolded, watched as four Meskhetian Turks, refugees from Central Asia, and three Azerbaijanis were beheaded on the grave of an Armenian soldier, and children were tortured and killed before their parents' eyes; two Azerbaijanis in national army uniform had their eyes put out with screwdrivers. The organized nature of the extermination of the people of Khojaly was further evident from the fact that the peaceful inhabitants who fled the town in desperation to save their lives were killed outside it in previously prepared ambushes. For example, Elman Mamedov, chief of administration in Khojaly, reported that a large group of people who had left Khojaly came under heavy fire from Armenian light and heavy machine-guns and armoured personnel carriers near the village of Nakhichevanik. Another resident of Khojaly, Sanubar Alekperova, said she would never forget the mountains of corpses of women, children and old people near Nakhichevanik, where they fell into an ambush: in the carnage, her mother and her two daughters, Sevinzh and Khidzhran, were killed and she herself was wounded. Faced with this mass shooting-down of unarmed people, some of the group made for the village of Gyulably, but there the Armenians took some 200 people hostage. Among them was Dzhamil Mamedov; the Armenians tore out his nails, beat him about the legs and head and took away his grandson, and his wife and daughter vanished without trace. (Khojaly - The Last Day, op. cit.).

"I had heard a lot about wars, about the cruelty of the Fascists, but the Armenians were worse, killing five- and six-year-old children, killing innocent civilians", said a

French journalist, Jean-Yves Junet, who visited the scene of this mass murder of women, old people, children and defenders of Khojaly. (Khojaly - The Last Day, op. cit.).

One of the French journalist's Russian colleagues, V. Belykh, a correspondent for the newspaper Izvestia, reported seeing bodies with their eyes gouged out or ears cut off and bodies that had been scalped or beheaded. (Khojaly - The Last Day, op. cit.).

The head of the Armenian Defence Ministry's medical service, Khanlar Gadzhiev - a man not unfamiliar, by reason of his job, with the spectacle of death and suffering - was horrified by the evidence of savage reprisals against the inhabitants of Khojaly brought before him: a guardsman with his intestines hanging out, people with frostbite, a child whose leg had been torn off by heavy machine-gun fire, a girl whose face had been slashed with a knife. Major Leonid Kravets reported that he had "personally seen about 200 bodies" and that with him had been a local policeman who, "when he saw his fouryear-old son lying among the dead with his head split open, went out of his mind with grief". (Khojaly - The Last Day, op. cit.). The report of Memorial, the Moscow-based human rights group, on the massive violations of human rights committed in the taking of Khojaly says of the civilians' flight from the town: "The fugitives fell into ambushes set by the Armenians and came under fire. Some of them nonetheless managed to get into Agdam; others, mostly women and children (exactly how many it is impossible to say), froze to death while lost in the mountains; others still, according to testimony from those who reached Agdam, were taken prisoner near the villages of Pirdzhamal and Nakhichevanik. There is evidence from inhabitants of Khojaly who have already been exchanged that some of the prisoners were shot ... Around 200 bodies were brought into Agdam in the space of four days. Scores of the corpses bore traces of profanation. Doctors on a hospital train in Agdam noted no less than four corpses that had been scalped and one that had been beheaded. State forensic examinations were carried out in Agdam on 181 corpses (130 male and 51 female, including 13 children): the findings were that 151 people had died from gunshot wounds, 20 from shrapnel wounds and 10 from blows inflicted with a blunt instrument ... The records of the hospital train in Agdam, through which almost all the injured inhabitants or defenders of Khojaly passed, refer to 598 cases of wounds or frostbite (cases of frostbite being in the majority) and one case of live scalping". ("A tragedy whose perpetrators cannot be vindicated. A report by Memorial, the Moscow-based human rights group, on the massive violations of human rights committed in the taking of Khojaly on the night of 25/26 February 1992 by armed units", newspaper Svoboda, 12 June 1992.).

**Individual testimony**

On 18 April 1994, Binnat Akhmedov, a resident of the village of Bashlybely in the Kelbajar district, saw three Armenian soldiers gun down 10 peaceful civilians at point-blank range and wound 14 others.

On 17 August 1993, Armenian soldiers shot and killed 25 civilian inhabitants of the village of Gajar in the Fizuli district whom they had encircled.

Rafik Guliev, from the village of Gorgan in the Fizuli district, who was taken hostage by Armenian troops on 23 October 1993, testified after his release that Armenian soldiers had shot dead 30 civilians before his eyes.

When she returned from Armenian captivity, Arzu Amralieva reported that on 18 April 1993, 19 people were shot on the spot and 30, including some of her relatives, were taken hostage.

A 57-year-old man, Hasan Hasanov, reported that on 23 October 1993, 26 out of 40 defenceless people detained in the district of Goradiz were killed.

A 61-year-old man, Budag Alyshanov, saw an Armenian by the name of Arkady brutally murder five Azerbaijanis who had been engaged in excessive forced labour.

Vladimir Shevelev (date of birth 1926), who was taken hostage on 22 June 1994 and released from Erevan on 10 September 1994, said that Armenian soldiers shot and killed his mother, sister and infirm, bed-ridden brother. According to his testimony, when, after several months had passed, he was allowed to bury his relatives, their bones, parts of his sister's body and her head were found in separate places. He also reported having seen numerous corpses of women and children that had been disfigured to the point of being unrecognizable.

## Inhuman treatment of hostages and prisoners of war held in occupied Azerbaijani territory

The crimes of the Armenian soldiery continued in the captured areas and outside the nagorny-karabakh region of the Republic of Azerbaijan: the victims of their mass terror included many thousands of inhabitants of the Lachin, Kelbajar, Agdam, Fizuli, Djebrail, Zangelan and Kubatly districts of Azerbaijan.

On 31 March 1993, during the occupation by the Armenian armed forces of the town of Kelbajar, a 29-year-old woman, Samaya Kerimova, and her two-year-old daughter, Nurlan Kerimova, were taken hostage. Unable to withstand the mental and physical humiliation to which she and her child were subjected, Samaya twice slit her wrists and eventually killed herself by swallowing poison. Nurlan was bought back from the Armenians for 1.5 million roubles, but, because of a head injury, the child, who spent four months in detention, is now blind.

A one-year-old boy, Babek Ilyasov, suffered severe damage to an eyelid and an eye because of the explosion of a shell, but he was given no medical assistance whatever during the time he was in captivity. He was released with the help of the ICRC. Doctors believe there is no hope of saving the child's eye.

On 31 March 1993, Takhir Guliev, who was born in 1956 and lived in the village of Kilseli in the Kelbajar district, was taken hostage together with his wife, their three-year-old child and close relatives. The vehicle in which they were trying to flee their home was fired on at close range by Armenian soldiers, resulting in the deaths of Islam Guliev (date of birth 1978), Ilkhama Gulieva (date of birth 1983), Talekh Mamedov (date of birth 1985) and Asian Mirzoev and his daughter Afetin, and in serious injuries to the other passengers, including Takhir Guliev's wife and daughter and his wife's 80-year-old mother. When, with the help of the ICRC, he returned from being held prisoner by the Armenians, Guliev testified that Azerbaijani hostages and prisoners of war were subjected by their Armenian captors to savage beatings and insults and that many of them were unable to withstand this and died. When he complained about this to ICRC representatives, he was badly beaten in front of his wife and daughter.

Mikhail Abutalybov, a resident of the village of Bozuly in the Kelbajar district who was born in 1955, was taken hostage together with hundreds of peaceful Azerbaijani citizens on 7 May 1993.

During his time in Armenian captivity, he was beaten and made to do excessive forced labour every day. He confirmed that the Armenians were holding thousands of women, old people and children hostage. During the seizure by troops from the Republic of Armenia of the Azerbaijani town of Agdam, a car containing six members of the Aliev family - two women (one of them elderly), two men (one of them elderly) and two children (aged eight and three respectively) - was fired on as it was heading out of town. The elderly man and the eight-year-old child were killed outright and the other passengers were all wounded, the three-year-old boy, Shovgi Khagani ogly Aliev, in the shoulder,

When the Armenian "doctors" operated on him in Hangendi, they removed a third of the humerus and muscles above the elbow of his right arm. Thanks to the efforts of the ICRC, the boy, his seriously wounded mother and his grandmother were returned to their homeland. After a medical examination in Baku, doctors concluded that the removal of bone from this three-year-old child had been completely unnecessary and that his wound had not justified such treatment. It is not impossible that the removal was performed for the purposes of transplantation.

The seizure of seven seriously ill patients from Agdam's psychiatric hospital is a flagrant example of the Armenian soldiery's crimes. Three of them were released after being held for a year, but three others are languishing to this day in Armenian captivity. The seventh is dead as a result of constant torture.

Ofelya Gulieva, a 16-year-old girl with a bullet wound, was held hostage for more than 18 months. Because of the lack of prompt medical assistance, her wound became gangrenous. On 3 June 1994 she suffered further wounds, in the stomach and right hand, when a guard acting for the Armenians fired at her with a sub-machine-gun. This led to the amputation of two of her fingers. She was not released until 28 July 1994, when she was exchanged for an Armenian prisoner of war.

Murvat Agaev, a man from the village of Khyurdmakhmudly in the Fizuli district, was taken hostage together with his son, Yashar, who was killed before his eyes. He himself was severely beaten and his ear was cut off. Later, his hands were bound with wire, he was suspended from a tree above an open fire and his feet were burned.

Tamasha Geidar gyzy Nukhieva, an 83-year-old woman from the village of Korzylly in the district of Fizuli, suffered such nightmarish treatment that she died three days after she was exchanged. Her 47-year-old invalid son, Vagif Gutais ogly Nukhiev, died while a hostage from the injuries he received.

Rafik Guliev, a resident of the village of Gorgan in the Fizuli district, who was taken hostage by troops from the Republic of Armenia on 23 October 1993, testified after his release that Armenian soldiers had shot dead 30 civilians before his eyes and that other hostages were subjected to brutal physical and mental torture, including branding of their chests, beatings with heated iron bars and stuffing of their mouths with burning coals. Children were used for heavy labour.

Sharif Yusifov, born in 1925, a resident of the village of Chaitumas in the Gubatly district and a class-1 disabled person, was taken hostage on 30 August 1993, during the occupation of the area by the armed forces of the Republic of Armenia. After his release on 8 December 1993, with the help of the ICRC, he testified that Armenian soldiers led by a battalion commander nicknamed "Mavo" had shot dead his 90-year-old brother, whom he had not even been allowed to bury, and two women who had lived near him. On the day Yusifov was captured, the same battalion commander had tarn out his 12 gold teeth. During this detention he had been subjected to constant beatings and fed on black bread and water, and the medicines and clothing furnished by the ICRC had been confiscated by Armenian soldiers. He also said that among his fellow hostages had been a mentally disturbed man, Nazim Radzhabov; he had repeatedly been savagely beaten and tormented. On 14 September, 11 Azerbaijani soldiers were brought to the prison at Shusha, where Yusifov was held; they had been severely beaten and had had dogs set on them. One of the soldiers subsequently died from his injuries. Yusifov also saw people die of hunger and cold. He confirmed that the Armenians were holding thousands of Azerbaijani women, children and old people hostage.

The tragic list of victims of the war against the Azerbaijani people which has experienced at first hand the monstrous methods of Armenian aggression - is far from complete with the incidents related above.

Twenty-seven-year-old Abdulazim Mamedov was injured in the left leg and taken prisoner by Armenians in the Azerbaijani village of Kirkidzhan during a regular attack by Armenian forces. He received a bullet wound which perforated the soft tissue of his left shin, and multiple shrapnel wounds. Abdulazim Mamedov reported that, after being interrogated for one hour, he and eight other soldiers in the national army who had been taken prisoner with him were beaten with rubber truncheons on their heads, backs and arms, after which an unknown medicine was injected into their necks and they were thrown into jail. From that time Abdulazim Mamedov was dragged into the yard each day and beaten all over with rubber truncheons and his head was stamped on by soldiers using the heels of their boots. On one occasion his wound was ripped open and a cross of blood was marked on his forehead. At New Year, with temperatures standing below zero, cold water was poured over him in his cell; the warders' dogs were often set on him, leaving many bites, scratches and abrasions on his body. He was given almost no food, and an unknown drug was injected into his neck each day, causing him to lose consciousness momentarily. Abdulazim Mamedov states that he weighed 70 kilograms before being taken prisoner, and 55 kilograms after he was released.

Imprisoned together with Abdulazim Mamedov was Farkhad Rakhman ogly Atakishiev, aged 21. He was killed, and on 25 January 1992 his corpse was thrown into Abdulazim Mamedov's cell, where they had spent a few days together. The following injuries were noted in the report of the forensic examination of Atakishiev's corpse:

(a) A depressed fracture of the frontal bone, a closed fracture of both bones of the forearms and the shins, a fracture of the nose, the violent removal of all incisors in both jaws, and 61 bruises to the head, the body and the extremities;

(b) A stab wound which caused perforation of the stomach with injuries to internal organs, eight spot wounds (resulting from injections) to the back of the neck, and injuries to the left hand;

(c) Two bullet wounds which perforated the thigh.

The injuries listed under (a) were inflicted by blunt instruments. The injuries to the hand and the forearm may have been caused by dog bites. The injuries listed under (b) were caused by stabbing, while those listed under (c) were caused by shots from a firearm.

Alimsha Gasanov, born in 1974, serving in the national army of Azerbaijan, a resident of the Khachmaz district, was wounded and taken prisoner on 8 March 1994 in the Fizuli district. After his release he testified to the inhuman treatment of prisoners of war, beatings and excessive forced labour.

Emin Babaev, born in 1968, serving in the national army of Azerbaijan, a resident of the city of Baku, who was taken prisoner on 23 August 1993 in the Fizuli district, reported after his release that the car in which he had been travelling together with civilians had been shot at by Armenians in a tank. Babaev survived together with two other servicemen, one of whom was severely burned and later died for lack of the necessary medical assistance. Babaev also reports that, while imprisoned in Armenian hands, Azerbaijani prisoners of war were constantly subjected to beatings and excessive forced labour while often deprived even of bread and water. He confirmed that thousands of women, old people and children were held hostage by armed forces of the Republic of Armenia.

Zaur Rzaev, born in 1975, serving in the national army of Azerbaijan, a resident of the village of Alisoltanly in the Saatly district, was wounded and taken prisoner on 28 April 1994, together with two other servicemen, one of whom, according to a statement made by Rzaev after his release, was shot by Armenian soldiers. Rzaev reported the

inhumane treatment of Azerbaijani prisoners of war, as well as constant beatings and excessive forced labour. He also stated that he saw thousands of Azerbaijani hostages being held in Armenian captivity.

Faik Mamedov, born in 1971, serving in the national army of Azerbaijan, a resident of the city of Baku, was taken prisoner on 6 September 1992. After his release he reported that, after being wounded, he was tortured and beaten. On 20 November 1993, he managed to escape. He testifies that after occupying the Agdam district the Armenian forces completely burned and destroyed it. The graveyard where his parents were buried was also destroyed. While detained by the Armenians, he saw thousands of hostages and prisoners of war being held in intolerable conditions.

Famil Aliev, born in 1974, serving in the national army of Azerbaijan, a resident of the city of Baku, was taken prisoner on 3 January 1994 in the district of Agdam. After his release he stated that while he was in captivity Armenian soldiers stubbed out cigarettes on his body. Aliev also witnessed the execution of Azerbaijani prisoners of war by shooting. He confirmed that Armenians were holding thousands of women, old people and children who were subjected to excessive forced labour, torture and ill-treatment.

Amil Akhmedov, born in 1973, serving in the national army, a resident of the village of Ashigly in the Beilagan district, was taken prisoner on 23 September 1993. After his release he reported that he had been beaten and tortured every day. He also testified that a resident of the Fizuli district named Vagif had been beaten to death in front of him, and that Valekh Aliev, a resident of the Imishly district, had blown himself up using a grenade after being unable to bear the humiliation.

Anar Mamedov, born in 1973, serving in the national army, a resident of the Beilagan district, was taken prisoner on 23 September 1993 together with 10 other servicemen. After his release he stated that he had been beaten four or five times each day by Armenian soldiers while they were holding him captive. He also confirms the above-mentioned report of the death of the resident of the Fizuli district named Vagif as a result of the beatings and the suicide of Valekh Aliev of the Imishly district, adding that five elderly persons died from beatings.

Afin Yakhyaev, born in 1968, serving in the national army, a resident of the Ujar district, reported after his release that he and three other servicemen were taken prisoner on 25 April 1994 in the Agdam district and subjected to interrogations and beatings every day. Yakhyaev testified that many prisoners who were unable to bear the humiliation committed suicide. He also confirms reports of thousands of Azerbaijani hostages held in Armenian torture chambers.

Magomed Dashdamirov, a resident of the Tovuz district, reports that his son Novruz Dashdamirov, born in 1975, serving in the national army, was taken prisoner in August 1993 during the occupation of the Fizuli district of Azerbaijan by armed forces from the Republic of Armenia. The father states that his son was subjected to torture and brutal beatings while in captivity. Although N. Dashdamirov succeeded in escaping from Armenian captivity, he fell sick as a result of the humiliations inflicted on him in detention and is now in a critical condition.

Rasat Akhmedov was taken prisoner by armed forces from the Republic of Armenia on 7 March 1994 during fighting near the village of Seid-Akhmedli. He and his fellow prisoners of war were beaten with spades and truncheons. He states that on 15 September 1994 prisoner of war Zeinal Makhmudov died as a result of a brutal beating. Akhmedov himself was released on 16 October 1994 with help from representatives of the Organization for Security and Cooperation in Europe (OSCE).

K. Gadzhiev, a resident of the Tovuz district, states that his son, Elfag Gadzhiev, serving in the national army, was taken prisoner on 12 June 1993 during fighting with armed forces from the Republic of Armenia which were attacking the Agdam district of Azerbaijan. While he was being held in Armenian captivity, his health was seriously undermined as a result of inhuman treatment, torture and humiliation. Following his release through the mediation of the ICRC, the health of E. Gadzhiev has now seriously deteriorated. He also confirms that hundreds of Azerbaijani women, old people and children are being held hostage in intolerable conditions in the prison of the Azerbaijani town of Shusha under occupation by armed forces from the Republic of Armenia.

## DETENTION OF AZERBAIJANI HOSTAGES AND PRISONERS OF WAR IN TERRITORY OF THE REPUBLIC OF ARMENIA

The Armenian Government resorts to all kinds of tricks to conceal its aggressive intentions towards Azerbaijan from the world community, portraying its claims on the territory of an independent State as the struggle of Armenians in Karabakh. At the same time, the holding of a considerable number of Azerbaijani prisoners of war and hostages and the instances of murder and acts of violence against them in Armenian territory gives the lie to this.

According to information supplied by the State Commission of the Republic of Azerbaijan on prisoners of war, hostages and missing persons, and the testimony of those who have returned from Armenian captivity, Azerbaijani prisoners of war and hostages are being held on the territory of the Republic of Armenia at military police headquarters No. 10724, the women's prison, a hospital in Erebun district and a chemical factory in the city of Erevan; on the military base at Sovetashen; in Ejmiatsin; in the prison and the hospital in Goris; in Prison No. 8, the district internal affairs office, the home of a certain Dadamyan at Flat 19, Block 306 and at the cement factory in Spitak; in Noyembryan; in Mergi; in Leninakan; in Nairi; in Kirovakan; at military police headquarters in Sisian; in Ararat; in Abovyan on the Birechakhan housing estate; in the Sepan region and in other regions of Armenia.

### Violence and torture perpetrated against civilians held in the territory of Armenia

There is a large quantity of information regarding inhuman treatment and violence against the defenceless victims of the war among the civilian population, bearing witness to the Republic of Armenia's open flouting of the norms of international humanitarian law. The inflicting of physical suffering, murder, torture, corporal punishment, mutilation, medical and scientific experiments which are not based on the need for medical care, and other gross violence against detained Azerbaijanis by the representatives of the civil and military authorities in Armenia violates the requirements not only of the wellknown Geneva Conventions but also of elementary human morality.

Kamil Veliev, born in 1936, a resident of the village of Bakharly in the Zangelan district, who was released on 14 November 1993 following mediation by the ICRC, was taken hostage in August 1993 when Armenian forces occupied the Zangelan district of Azerbaijan, and was detained in Armenian territory, where he was subjected to systematic torture, as a result of which his hearing was impaired.

In August 1993, when the Gubatly district of Azerbaijan was seized by armed forces from the Republic of Armenia, Farkhad Yusifov, born in 1930, a resident of the village of Garakishilyar in that district, was taken hostage. He has suffered from diabetes since 1973. He was held captive by Armenians, without the minimum assistance needed to treat his illness, in jail in the town of Goris (Armenia), and was later transferred to a jail in the town of Kafan (Armenia). He was released on 14 November 1993 thanks to the efforts of the ICRC and returned to Azerbaijan from the city of Erevan (Armenia).

One of the peaceful inhabitants taken hostage at the time when the Gubadly district of Azerbaijan was occupied by Armenian soldiers in August 1993 and returned to Azerbaijan from Erevan with ICRC assistance on 14 November 1993 was 60-year-old Islam Gadzhiev, who according to F. Yusifov, with whom he shared the hardships of life as a hostage, was tortured mercilessly by the Armenians. He was forced to lick the filthy floor, stand at attention for hours on end and his head was beaten against the wall to such an extent that he went out of his mind. The grey-haired man was thrown to the floor and kicked in the belly until he lost consciousness, and sustained injuries to his kidneys.

Khamza Guliev, born in 1913 and a resident of the village of Milanly in the Gubadly district, was taken hostage on 30 August 1993 during the occupation of the district by the armed forces of the Republic of Armenia and was released from captivity on 18 October 1993. He had been held in occupied Azerbaijani territory and then transferred to the town of Kafan in Armenia. He testifies to inhuman treatment, torture and humiliation of hostages, and assaults on women.

An inhabitant of the Azerbaijani town of Shusha, 15-year-old Nazaket Mamedova, who was taken hostage together with her father on 8 May 1993 at the time the town was occupied by Armenian soldiers, experienced indescribable suffering as a prisoner of the Armenians. They were held first in the town of Hankendi and then in Armenia. Over a long period of time the father was demeaned and humiliated in various ways before the very eyes of his daughter. He was beaten, insulted, his ear was cut off and red-hot irons were applied to his body, making him an invalid for life. Only then was he released. However, his daughter was retained as hostage until 4 April 1993, the endless round of blackmail and threats driving the girl's mother insane; eventually the daughter was returned to her family after a ransom of 4 million roubles had been paid.

**Illegal acts perpetrated against prisoners of war in the territory of the Republic of Armenia**

Prisoners of war, as well as hostages, fall into the category of persons protected by international humanitarian law, which stipulates that no reprisals may be taken against them and that their safety must be properly ensured, to say nothing of the fact that "refined" forms of violence are prohibited. How far the Republic of Armenia complies with these provisions is evident from the large number of flagrant examples of inhuman treatment of Azerbaijani prisoners of war reflecting cruelty that is beyond human understanding. Rare are those who survive, and those who return are forever crippled.

One of the few prisoners of war who survived and returned home was Mail Mamedov, born in 1971 and called up to serve in the national army of the Republic of Azerbaijan from the village of Khalikly in the Geokchai district of Azerbaijan. Taken prisoner on 4 October 1992 near the town of Hankendi, he was first held in Karabakh and then transferred to Armenia. According to a short extract from his medical history, he was systematically humiliated and beaten with a hammer and a sub-machine-gun, as a result of which the bones in his left foot as well as those in his left forearm and shoulder were broken. On 7 October 1992 a red-hot metal cross was applied to his chest. In February 1993 some kind of liquid that produced symptoms of allergy was forcibly injected intravenously. He was released on 9 May 1993 in exchange for an Armenian prisoner.

Ayaz Guseinov, born in 1973 and a native of the Surakhan district of Baku, was also tortured: he had been a soldier in the national army, was taken prisoner on 1 April 1993 in the Kelbajar district of Azerbaijan and held first in Karabakh and later in a camp near the town of Kirovakan (Armenia). His relatives paid his ransom of 7 million roubles on 3 September 1993.

Most Azerbaijani prisoners of war die violent deaths or as a result of the unbearable conditions that are deliberately created in prison.

Magerram Makhyaddinov, who was born in 1972 and who, prior to being called up to serve in the national army, had lived in the town of Gakh in the Azerbaijani Republic, was taken prisoner in the Zangelan district and held in Armenian territory, where each day he was beaten by Lieutenant-Colonel Gazmanov, the deputy chief of the police department of the town of Kafan; he was driven insane by the beatings and later died of massive internal haemorrhaging.

Following his release in October 1993, Bayram Aliev, born in 1973 and a soldier in the national army from the Evlakh district, reported that when taken prisoner in December 1992 during the occupation of the Zangelan district of Azerbaijan by the armed forces of the Republic of Armenia, he had first been held, together with his fellow servicemen, in the police department of the town of Kafan in the Republic of Armenia and had later been moved to Erevan, the Armenian capital. He confirms that Azerbaijani prisoners of war were tortured and humiliated, forced to eat dirt, brutally beaten, had open wounds poked with lighted cigarettes and were deprived of their human dignity. Essential medical care was not given to the wounded. Many prisoners died from the ill-treatment. According to Bayram Aliev, Magerram Makhyaddinov was beaten to death for complaining to ICRC representatives about the intolerable conditions and inhuman treatment of prisoners of war. Aliev also confirms that hundreds of Azerbaijani citizens are being held hostage in Armenia and subjected to violent and degrading treatment. Ilgar Gamzaev, born in 1973, was also killed in Armenia. A soldier in the national army, he had been taken hostage by the Balasanyan family, which tried to exchange him for R. Balasanyan, who had been reported missing in action in Azerbaijani territory.

Ilkham Nasirov was taken prisoner after being wounded in three places. Born in 1973, he had lived in Baku prior to his service in the national army; he was first held in the town in Hankendi and later transferred to Erevan, where he was placed with the Arakelyan family, which wished to exchange him for their son Shagen, reported missing in action in Azerbaijani territory. According to F. Yusifov who returned home after his imprisonment, Nasirov was reduced to dystrophy by his "host" and admitted to Hospital No. 10 of the Ministry of National Security of the Republic of Armenia. According to letter No. 06/134 of 24 November 1993 from S. Arakelyan, the director of the hospital, which was received through the ICRC, Nasirov died on 23 November 1993 in Erevan's military hospital (No. 88865), the diagnosis being alimentary dystrophy and acute cachexia.

In August 1993, Armenian policemen drove Vikil ogly Zakir in a car to the outskirts of the village of Kirovka in the Marneuli district of Georgia and dumped him there. He died shortly afterwards, without regaining consciousness, in the district hospital of the town of Gazakh in the Republic of Azerbaijan. An examination revealed that his death was due to starvation and the injuries he had suffered. Doctors found that his entire body was covered with cigarette burns and bruises, that the nails of his right hand and left foot had been torn out and that internal organs had been injured.

In May 1994 a prisoner of war named Tofik, a native of the Lerik district, was tortured to death and Rasim Mamedov lost his reason as a result of the beatings to which he was subjected in a remand centre of the Armenian Ministry of National Security (formerly the KGB). After being held by Armenia's military police, Famil Rzakhanov was released in an extremely serious condition.

On 16 February 1994, the press service of the Ministry of Foreign Affairs of the Republic of Armenia announced that Azerbaijani prisoners of war had been shot, emphasizing that "they were killed while attempting to escape". Thanks to ICRC efforts, arrangements were made on 23 March 1994 to transport from Armenia to Azerbaijan the bodies of 10 Azerbaijani prisoners, of whom 2 died on 28 June 1993 and 23 November 1993, respectively, and 8 were killed on 29 January 1994. The results of a forensic

examination carried out by a commission of Azerbaijan's Ministry of Public Health attached to the Scientific Association for Forensic Expertise and Pathological Anatomy completely refuted the statement by the Armenian Ministry of Foreign Affairs concerning the killing of the 10 Azerbaijani prisoners of war while attempting to escape and confirmed that R. R. Agaev, E. G. Akhmedov, E. S. Mamedov, F. G. Kuliev and E. M. Akhmedov were brutally tortured and beaten before death and killed by a shot in the head, and that B. A. Giasov was shot from the front at point-blank range.

R. R. Agaev, E. S. Mamedov and E. M. Akhmedov had had their ears cut off. R. R. Agaev's internal organs - his heart, liver and spleen - were missing, indicating that they had been used as transplants. An examination of I. S. Nasirov's body revealed unmistakeable signs of cachexia, indicating prolonged starvation. F. G. Gusienov's body bore a large number of external marks indicating physical torture.

The forensic conclusions of the Azerbaijani experts were confirmed by the conclusions, incorporated in a document dated 13 April 1994, of the results of a second examination of the bodies carried out by the Scottish Professor Derek Pounder, an eminent scientist, member of the American Medical Association, of the Presidium of the International Academy of Legal Medicine and of Social Medicine and of the British "Doctors for Human Rights" Association.

From time to time, in order to give a semblance of legality to the punishments imposed on Azerbaijani prisoners of war, Armenia holds show trials behind a propaganda screen poorly concealing the absurdity of a situation in which the defendants - not provided with qualified counsel, contrary to international standards - are in point of fact accused of honestly performing their duty to defend the sovereignty and territorial integrity of their State. At one such mock trial in Erevan, for example, two Azerbaijani prisoners of war were sentenced to death, three to 15 years' imprisonment and another three to 12 years' imprisonment. This is how Armenia's overtly militarized governmental machinery, in the guise of the "votaries of Themis", deals with the victims of war.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 11 April 1997 from the Chargè d'affaires a.i. of the Permanent Mission of Bulgaria to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights.

The Permanent Mission of the Republic of Bulgaria to the United Nations Office at Geneva requests that the attached document* be circulated as an official document of the fifty-third session of the Commission on Human Rights, under agenda item 10.

KONSTANTIN ANDREEV
Chargè d'affaires a.i.

* The annex is reproduced as received in the language of submission only.

# Comments on the letter of Mr.Miroslav Milosevic - Chargé d'affaires, a.i. of the Permanent Mission of the Federal Republic of Yugoslavia dated 18 March 1997 (doc.E/CN.4/1997/125)

These comments are in response to the letter of the Charge d'affaires, a.i. of the Federal Republic of Yugoslavia (Serbia and Montenegro) at Geneva, which was circulated as an official document of the 53rd session of the Commission on Human Rights under reference E/CN.4/1997/125.

We would not have referred to the above letter, if its Annex did not contain certain curious interpretations aimed at diverting the attention of the Commission on Human Rights away from existing human rights violations in the Federal Republic of Yugoslavia (Serbia and Montenegro).

We were quite amazed at the "revelation" that one third of Bulgaria's population is of non-Bulgarian origin. In addition to really existing ethnic groups in my country, this one-third supposedly includes also groups which could not be found even in the most exotic ethnographic studies. Among them, for instance, is the newly-invented "Yugoslav minority" which presumably exists also in other neighbouring countries of the Federal Republic of Yugoslavia (Serbia and Montenegro). It is quite obvious that "Yugoslav" is not an ethnic, religious or linguistic feature, but only and uniquely a definition for citizenship. Furthermore, prior to enlisting the Moslems among the non-Bulgarians, the Yugoslav charge d'affaires, a.i. should have been better advised that Moslem is a religious but not an ethnic identity. In fact, in accordance with the latest population census in Bulgaria, carried out in 1992, 86% of the Bulgarian citizens are Bulgarians. Obviously, the remaining 14% are far below the claimed one-third of the population. The remaining part includes Turks (9.4%), Gypsies (3.7%), Armenians (0.16%), Tatars (0.05%), Jews (0.04%), Gagauses (0.017%), and others.

It would be quite difficult to solve the existing open minority issue in the relations between Bulgaria and the Federal Republic of Yugoslavia (Serbia and Montenegro) on a "reciprocal basis" since it is related solely and only to the situation of the Bulgarian national minority in the Federal Republic of Yugoslavia (Serbia and Montenegro). The Yugoslav side is well aware that it was from Bulgaria, and not from Serbia, that following World War I a sizeable territory was cut off together with its compact 120 000 strong

Bulgarian population. A population which has been since then subjected to a systematic pressure of assimilation.

In his letter the Yugoslav charge d'affaires a.i. demonstrates an enviable "knowledge" of Bulgarian foreign policy, particularly as far as Bulgarian minorities abroad are concerned. He alleges that Bulgaria is not interested in the situation of its larger minorities abroad, that it does not maintain a dialogue with the countries where they live - such as Ukraine, Russia and Moldova. However, attempts to incite minority problems in Bulgaria's bilateral relations with these countries, are doomed to failure. As a matter-of-fact Bulgaria follows closely the situation of the Bulgarian minorities in the above-mentioned countries. Mainly as a result of this interest and concern we are aware that Bulgarian communities in these countries enjoy rights and opportunities to preserve their ethnic self-identification and to promote their traditions and culture. It is to be regretted that the same cannot be said about the Bulgarian national minority in Serbia, in spite of the numerous steps initiated by the Bulgarian side within the framework of bilateral relations. The facts about the situation of this minority are contained in detail in document 49/455, as well as in a number of reports of the Special Rapporteur of the Commission on Human Rights in Former Yugoslavia. Concerns over this situation have been reflected in resolution 51/116 of the General Assembly of the United Nations, as well as in resolutions 1995/89 and 1996/71 of the Commission on Human Rights.

We consider it unacceptable to substitute internationally recognized really existing problems, for instance the one of the practical implementation of the rights of the Bulgarian national minority in the Republic of Serbia, with non-existing issues.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 14 April 1997 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I am addressing you concerning the draft resolution of the current, fifty-third session of the United Nations Commission on Human Rights - "Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia" (E/CN.4/1997/L.88).

Regrettably, this year again, we have to note that the part of the resolution dealing with the Federal Republic of Yugoslavia does not objectively reflect the actual situation, nor does it reflect the analyses, assessments and conclusions contained in the report of Ms. Elisabeth Rehn, Special Rapporteur for human rights, or those made by other United Nations bodies in charge of following up on some specific issues connected with the protection of human rights (CERD, Special Rapporteurs on extrajudicial executions and religious intolerance, Working Group on Arbitrary Detention, etc.).

This approach, founded on arbitrary, biased and inaccurate stands and conclusions, is not acceptable, nor does it serve the protection and promotion of human rights.

The Federal Republic of Yugoslavia has a right to expect that its openness and willingness to cooperate with the Commission and other United Nations bodies, regardless of its suspended status within the United Nations, will contribute to the development and protection of

human rights in the country and the region, in particular in the territories of the former Yugoslavia. However, of late, we are witnessing that some influential members of the Commission, while directing the activities of this eminent international body, are almost thoroughly neglecting the extremely difficult predicament of the Serbs in Croatia and Bosnia and Herzegovina, as well as the 700,000 refugees currently residing in the Federal Republic of Yugoslavia, who are in various intricate ways denied the return to their homesteads. Such an approach is, undoubtedly, yet another proof of double standards used by some members of the Commission, which is unacceptable - professionally, as well as from the humanitarian point of view.

The Federal Republic of Yugoslavia has on several occasions pointed to the deliberately made "terminological" errors contained in the text of the resolution, repeated for years now, out of particular political motives. Once again, we wish to point out, first and foremost, that no brackets follow the official name of the Federal Republic of Yugoslavia, containing the names of its two republics. Its correct name is in use by the United Nations, by the United Nations Secretary-General and other bodies, ever since the proclamation of the Federal Republic of Yugoslavia on 27 April 1992.

The name of one of the two Autonomous Provinces of the Federal Republic of Yugoslavia is Kosovo and Metohija, which fact is systematically ignored out of certain political motives, with the foreign, Albanian name of "Kosova" used instead.

In addition, another part of the Federal Republic of Yugoslavia is referred to as "Sandjak", which is a Turkish word, meaning a "territorial unit in the Ottoman Empire", while the accurate name of this territory is the "Raska region".

With regard to the facts and the actual situation, the stands contained in the following paragraphs of the resolution are inadequate, since inaccurate:

- Paragraph 29 (a): The demand that the FRY institute and implement fully democratic norms is redundant, since the principles of parliamentary democracy, including free and fair elections at all levels, are guaranteed under the Constitution and legislation, and implemented as testified to by competent international bodies, such as the OESC.

- Paragraph 29 (b): The freedom of the media is guaranteed by the Constitution and laws of the Federal Republic of Yugoslavia, thus enabling the operation of a large number of print and broadcast media of the many political parties and citizens' associations. If pressure were exerted upon the media, as claimed in the said paragraph, their number would probably have been reduced, rather than increased, which is the case in Yugoslavia today. The so-called opposition newspapers make up the substantial part of the total of 2,109 newspapers, with a daily circulation of 1,500,000. The State is the founder of one of the total of 101 radio stations in operation, as well as of 1 (out of 14) TV station which broadcasts programmes in the territory of the FRY.

- Paragraph 29 (c): The said paragraph is incorrectly making use of the report of the Special Rapporteur, as if testifying to the practice of torture in the FRY. However, this report contains references to alleged individual cases of torture and abuse.

- Paragraph 29 (d): There are no discriminatory laws in the Federal Republic of Yugoslavia. Accusations contained in this paragraph, concerning alleged discriminatory laws, are inaccurate, never having been articulated in this manner by any international body dealing with the Yugoslav legal system - either CERD or the many special rapporteurs of the Commission. In this connection, we would like to draw your attention to the fact that under the Constitution of the Federal Republic of Yugoslavia, discrimination is forbidden and subject to prosecution, and we would like to reiterate our request to be told what the specific discriminatory legislation implied here is, since no particular law is mentioned in the resolution.

- Paragraphs 29 (e)-(i): The said paragraphs, referring to the position of minorities in the Federal Republic of Yugoslavia, are not acceptable, since they contain a series of inaccurate facts, arbitrary allegations, innuendoes without any proof or reference of the source. It is indicative, though, that the report of Ms. Elisabeth Rehn is not even mentioned, maybe because this report contains no corroborative confirmation whatsoever of the grave accusations of the alleged existence of systematic violations of the human rights of minorities in the Federal Republic of Yugoslavia.

- Paragraph 29 (g) is particularly indicative in this connection, since it contains the allegation of the existence of political detainees in the Federal Republic of Yugoslavia, which is absolutely false, uncorroborated by any special rapporteurs' reports, including that of Ms. Rehn. However, if some individual members of the Commission consider as "political detainees" the terrorists charged, put on trial, and sentenced on the basis of proven terrorist acts, whose victims were mainly civilians, it is certainly not the case with the preponderant number of members of the Commission.

- Paragraph 30: This paragraph is contradictory per se, since the dialogue between the authorities and the opposition is conducted, as in any democratic country, in conformity with the law, within the existing institutions of the system, i.e., the Parliament. Whether a dialogue will follow depends on the will and interest of political parties, as is the case in all democracies. On this occasion, again, we wish to point to the superfluousness of appealing to the authorities of the Federal Republic of Yugoslavia to pursue a dialogue with the representatives of the Albanian minority, since they systematically refuse any contact with the official representatives of the Republic of Serbia and the Federal Republic of Yugoslavia, while openly advocating secession.

- Paragraph 31: The contents of this paragraph are unacceptable, since it conditions reintegration of the Federal Republic of Yugoslavia into the international community on the respect for human rights and cooperation with the International Tribunal, a demand valid for a large number of countries, none of them conditioned as for the FRY.

This approach implies discrimination against the Federal Republic of Yugoslavia without precedent in United Nations bodies; it is in contravention of article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, since such conditions are not being imposed upon any other State specifically covered by this resolution. In particular, we wish to point out that such a type of conditionality and flagrant discrimination are in contravention of the Commission's mandate and it has not been used so far in the case of any Member State of the United Nations.

It is our hope that the members of the Commission will take the above facts and arguments into due consideration and that, on the occasion of drafting the final text of the resolution, they will not fail in refraining from the attempts of abusing this prominent political body for partial political purposes. Otherwise, approving such a draft resolution will have an impact on the further erosion of the Commission's credibility and on its marginalization within the context of prevailing international relations.

Mr. Chairman, would you kindly distribute this letter to all the members of the Commission, and circulate it as an official document of the fifty-third session, under agenda item 10.

(Signed): Miroslav MILOŠEVIĆ
Chargé d'affaires a.i.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 14 April 1997 from the Chargé d'affaires a.i. of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I am writing to you concerning the address of the representative of Bulgaria at the session of the Commission held on 9 April 1997, under agenda item 10, "Violation of human rights in any part of the world".

The positions given in the above address concerning the status of the Bulgarian national minority in the Federal Republic of Yugoslavia are a flagrant example of distorted facts and false and uncorroborated allegations. Bulgaria is trying to teach lessons on what the rights of minorities are about, while failing to recognize the very existence of minorities on its own territory - some 3 million people, including the Serb minority, whose members are entirely stripped of their rights and virtually assimilated.

In this connection, it is particularly indicative that all relevant political forces in Bulgaria oppose Bulgaria's signing the Framework Convention on the Protection of National Minorities, which is in contravention of the obligation of Bulgaria as a European State. The fact that Bulgarian politicians have never reacted with regard to the ethnic cleansing conducted in this country against the hundreds of thousands of ethnic Turks shows that Bulgaria is not concerned with minority rights but, indeed, guided by sheer political interests. How could one otherwise explain the fact that the minority rights of over 800,000 Turks residing in Bulgaria are being totally ignored?

It is most unprincipled and inadmissible to teach lessons to the Federal Republic of Yugoslavia, a country which has always given much attention to national minorities' rights, including the Bulgarian minority, regardless of its minor numbers vis-à-vis the total population of the country and regardless of the Bulgarian representatives' addresses similar to this one, i.e. more detrimental than beneficial?

As for the actual status of the Bulgarian minority in the Federal Republic of Yugoslavia (25,214 persons, or 0.3 per cent of the total population), I wish to point out some facts which definitely contradict the words of the Bulgarian representative.

As far as the education of the Bulgarian population is concerned, over 2,300 pupils attend elementary schools (in Dimitrovgrad, Bosilgrad, Babusnica and Klisura), with teaching conducted bilingually, with intensive, in-depth studies in the Bulgarian language and culture. In Dimitrovgrad alone, 1,056 ethnic Bulgarian pupils attend elementary school, with 93 per cent of the employees and the school principal being ethnic Bulgarians. The high school in the city is attended by 260 ethnic Bulgarian pupils, the principal and 90 per cent of the employees are ethnic Bulgarians.

Belgrade University has a Department for the Bulgarian language, headed by an ethnic Bulgarian professor.

The culture centres of Dimitrovgrad and Bosilgrad are promoting the national culture and traditions of the members of the Bulgarian minority in varied sections: national folklore, dances, music and poetry. The same is true for the two culture and arts ensembles, "Georgi Dimitrov" and "Mladost" (Bosilgrad). The Bulgarian language "Hristo Botev" amateur theatre has been active for 106 years. The Dimitrovgrad municipal library stores some 30,000, the Bosilgrad library some 14,000 volumes in Bulgarian.

The publishing activities in Bulgarian are carried out by the "Bratstvo" publishing house of Nis, founded in 1959, which issues the journal Bratstvo (Brotherhood), a magazine for literature, the arts, sciences and social issues, Most (The Bridge), and a children's magazine, Drugarce. The Serbia Television broadcasts a 15-minute daily programme (30 minutes on Sundays) in Bulgarian. Local radio stations broadcast programmes in Bulgarian.

All the above testifies to the fact that the accusations made by the Bulgarian representative are very arbitrary indeed; that they are totally ungrounded.

As for religious freedoms and rites, this area is regulated under an agreement between the Bulgarian and Serbian Orthodox Church Synods. At the same time, may we recall the well-known fact that the service in the Orthodox Church is performed in the Old Slav (old Russian) Church language, which makes the allegations that the members of the Bulgarian minority are deprived of the right to profess their faith in their mother tongue blatantly unfounded. Such allegations, complemented by the demands that the service be professed by priests from Bulgaria, are obviously targeted at completely different objectives. As for the allegation concerning the poor condition of historical monuments, we wish to reiterate that, in 1996 alone, the following facilities

were reconstructed: the St. Jovan Bogoslov monastery, the fourteenth-century Church in the village of Poganovo, the St. Dimitrije monastery (in Dimitrovgrad), and a church in the village of Radojme, with the reconstruction of the town church of Dimitrovgrad being conducted at present and the renovation of the Memorial Ossuary from the 1885 Serb-Bulgarian war being planned.

In conclusion, I should like to voice our expectations that, concerning the FRY, Bulgaria will discontinue its policies guided by historical illusions based on the San Stephano Peace Accords, which have already in the past been the source of frustrations and disasters for the Bulgarian people, and that it will demonstrate in practice its respect for the basic principles contained in the OSCE Final Document, the Paris Charter and the Charter of the United Nations.

Mr. Chairman, would you kindly circulate this letter as an official document of the fifty-third session, under agenda item 10.

(Signed): Miroslav MILOŠEVIĆ
Chargé d'affaires a.i.

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COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 8 (c)

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES

Letter dated 1 April 1997 from the Permanent Representative of Angola to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

The Permanent Mission of Angola to the United Nations Office at Geneva avails itself of this opportunity to present its best compliments to the Chairman of the fifty-third session of the Commission on Human Rights and requests him to circulate the attached letter as an official document of the Commission on Human Rights.

(Signed) Adriano PARREIRA
Ambassador
Permanent Representative

* The annex is reproduced in the language of submission only.

Annex

With this letter I react to the report of the Working Group on Enforced or Involuntary Disappearances on Angola, as presented in document E/CN.4/1997/34, paragraphs 47-50.

At its fifty-first session, the Commission on Human Rights, through resolution 1995/38 (para. 4) finally defined the mandate of the Working Group, which was reiterated word for word in the Commission's resolution 1996/30 last year. We quote: [to] "act as a channel of communication between families of the disappeared persons and the Government concerned, with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated and to ascertain whether such information falls under its mandate and contains the required elements".

Concerning the four cases of alleged enforced or involuntary disappearance mentioned in the report, which date from 1977 (that means 20 years ago), I reaffirm that not a single complaint was legally initiated. No request for a criminal inquiry was ever either made or registered in the books of the competent organs, such as the National Administration for Criminal Investigation, or in any provincial Police Department. That is the equivalent of saying that the internal legal resources were never used, and no effort was ever made to resort to domestic remedies. Instead of conforming to its mandate, the Working Group simply ignored its intrinsic criteria.

Moreover, by asking the Special Representative of the Secretary-General in Angola to be of assistance in these "cases", the Working Group, a subsidiary organ of the Commission, gravely attempted against the sovereignty of a Member State. (We were recently informed by the secretariat of the Working Group that the Special Representative of the Secretary-General in Angola did not answer that peculiar request, which may be proof of a far better sense of modesty and respect for the institutions of a foreign State.)

The Working Group, as well as other United Nations human rights bodies, is aware of the efforts developed by the Government of Angola to guarantee continuous dialogue and open cooperation. The discontinuation of previous cases, also dating from 1977, is the best testimony certifying that the Working Group recognizes absolute transparency in our methods. Let me also say that as concerns Angola, no new cases were submitted to the attention of the Working Group.

Allow me please once more to confirm the readiness of my Government to take swift and appropriate action to deal with any instances of enforced disappearances. I guarantee that Angola has comprehensive legal safeguards to prevent such an occurrence.

In the light of the above-mentioned elements, I ask you, Mr. Chairman, to encourage the Working Group on Enforced or Involuntary Disappearances to consider the discontinuation of these cases.

(Signed) Adriano PARREIRA
Permanent Representative

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Fifty-third session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 16 April 1997 from the Leader of the Delegation of the United Kingdom of Great Britain and Northern Ireland to the Commission on Human Rights addressed to the Chairman of the Commission on Human Rights

On 9 April 1997, during the discussion of item 10 of the Commission's agenda, the delegation of China made a statement concerning the situation of human rights in Hong Kong and the policy of the United Kingdom Government in that respect. Shortly thereafter, that statement was issued to the press through, inter alia, the Xinhua news agency. Accordingly, the News Department of the Foreign and Commonwealth Office of the United Kingdom Government issued, on 11 April 1997, the response which is set out in the annex* to this letter.

I should be grateful if you would arrange for this letter, including its annex, to be circulated as a document of the Commission.

(Signed) Henry Steel
Leader of the United Kingdom Delegation
to the fifty-third session of the
United Nations Commission on Human Rights

* The annex is circulated as received, in the language of submission only.

**ANNEX**

**NEWS DEPARTMENT RESPONSE TO XINHUA REPORT OF STATEMENT BY CHINESE REPRESENTATIVE AT THE UN COMMISSION ON HUMAN RIGHTS IN GENEVA OF 9 APRIL**

In a statement on 9 April at the UN Commission on Human Rights (CHR) 53 in Geneva, China made a number of assertions about the enjoyment of civil and political liberties by the people of Hong Kong. Two points merit a reply.

First, we flatly reject the allegation that the enactment of Hong Kong's Bill of Rights Ordinance and of legislation for an electoral system based on democratic principles - both of which were enacted by the legislature of Hong Kong and not (as implied) by the UK Government - are measures which in any way conflict with the Joint Declaration and the Basic Law. They are consistent in every respect with those instruments.

In view of China's expressed desire to safeguard the human rights of the residents of HKSAR, we find it surprising that the Chinese Government should want to undermine existing human rights protections in Hong Kong. It is patently not the case that their proposed amendments to civil liberties legislation have the support of the Hong Kong community. On the contrary, they have caused widespread anxiety in Hong Kong.

Second, Hong Kong is a prosperous, peaceful and stable society. There can be no justification for reducing its civil liberties. Contrary to the suggestions made by China, the British Government will continue to administer Hong Kong up to 30 June 1997 with the express intention of maintaining that prosperous, peaceful and stable community.

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# QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

## Letter dated 15 April 1997 from the Ambassador of the Niger to Belgium, member of the Islamic Conference Contact Group, addressed to the Chairman of the Commission on Human Rights

I have the honour to transmit to you the memorandum on the situation in Jammu and Kashmir submitted by the true representatives of the people of Kashmir at the meeting of the Islamic Conference Contact Group on Jammu and Kashmir held at the United Nations Office in Geneva on 10 April 1997.

I should be grateful if you would kindly have it circulated* as an official document of the fifty-third session of the Commission on Human Rights, under agenda item 10.

(Signed): Housseini ABDOU-SALEYE
Ambassador Extraordinary and Plenipotentiary

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* The annex is reproduced as received, in the language of submission only.

MEMORANDUM PRESENTED BY TRUE REPRESENTATIVES OF THE KASHMIRI PEOPLE TO THE MEETING OF THE OIC CONTACT GROUP ON JAMMU AND KASHMIR HELD IN GENEVA ON 10 APRIL 1997.

The Kashmiri representatives,

Recalling the relevant resolutions of the United Nations Security Council upholding the right to self-determination of the people of Jammu and Kashmir.

Welcoming the historic Special Declaration of the Extraordinary Session of the Islamic Summit Conference on Jammu and Kashmir, adopted on 23 March 1997.

Expressing their deep gratitude to the Islamic Sovereigns, Heads of State and Government for:

a) their commitment to promote a just and peaceful solution to the Jammu and Kashmir dispute in accordance with the the United Nations resolutions;

b) their support to the fundamental human rights of the Kashmiri people including their right to self-determination;

c) their condemnation of the oppression and massive violations of the human rights of the Kashmiri people; and

d) their support for the efforts of the Government of Pakistan to resolve, through a substantive and meaningful dialogue, the Jammu and Kashmir dispute which is the basic cause of the tensions between India and Pakistan.

Expressing satisfaction that the True Representatives of Jammu and Kashmir were enabled to address the OIC Summit Conference for the first time in Islamabad;

Regretting that a false impression is being created by the Indian Government that normalisation has taken place in IHK, although the brutal repression of the struggle of the Kashmiris for their right to self-determination continues unabated;

Affirming that any agreement on Kashmir, without the association of the Kashmiris or reflection of their aspirations, will not be credible or durable;

Taking note of the talks held between Pakistan and India in New Delhi, from 28 to 31 March 1997, in which the Jammu and Kashmir dispute was the core issue;

Taking note of the assurances given by the Government of Pakistan that the aspirations of the Kashmiri people constitute the primary basis for the settlement of the Jammu and Kashmir dispute;

Welcomes the dialogue between APHC and the Foreign Secretary of Pakistan, during the India-Pakistan talks in New Delhi, which enabled the APHC to convey its position on the issues concerned;

Affirming the rejection by the APHC of any separate negotiations with the Indian authorities regarding the Jammu and Kashmir dispute;

Recalling that the Security Council has clearly enunciated that, on the basis of the agreement concluded between India and Pakistan, "the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations",

Also recalling that the United Nations Security Council had declared that the creation of a Constituent Assembly or holding of any elections in Jammu and Kashmir by the Indian Government will not be a substitute for a free and impartial plebiscite mandated by the Security Council to determine the will of the people of Jammu and Kashmir;

Condemning the continued presence of 700,000 troops in Indian-held Kashmir and their brutalisation of the Kashmiri people;

Deeply alarmed by the sharp intensification of Indian repression of the Kashmiri people, especially the induction of additional troops, the use of renegades and mercenaries, armed, financed and trained by India, for terrorizing and intimidating the Kashmiri people;

Stressing the need for taking necessary steps for promoting intra-Kashmir dialogue;

Declare that any elections organized by the Indian Government will never constitute a substitute for the plebiscite pledged by the United Nations to the people of Jammu and Kashmir who have never accepted the sovereignty of India over their territory;

Reject the fraudulent elections imposed by the Indian Government on the people of Jammu and Kashmir;

Reject the installation of the puppet administration of Farooq Abdullah in Indian-held Kashmir by the Indian Government;

Condemn the continuing violations of human rights in Jammu and Kashmir which have resulted in the death of over 50,000 Kashmiri men, women and children, the rape of thousands of Kashmiri women and unlawful detention of tens of thousands of Kashmiris, including political activists and leaders;

Also condemn the genocide, massacres, extra-judicial killings, reprisal killings, arbitrary detention, torture, the use of rape as an instrument of suppression, burning of houses, villages and townships, and destruction of holy places, committed by the Indian Government, through its military and paramilitary personnel, renegades and mercenaries in Jammu and Kashmir during the last seven years;

Also condemn the abduction of young girls and their faced marriages in

interrogation centres in IHK;

Express deep concern at the continuing campaign of harassment, intimidation and repression against the leaders of the All Parties Hurriyat Conference which has been further intensified in recent months to silence their opposition to the Indian policies of coercion and fraud in Indian-held Kashmir;

Condemn the frequent arbitrary detention, torture and inhuman and degrading treatment of the leaders of the All Parties Hurriyet Conference;

Urge that all violations of human rights in Indian-held Kashmir be stopped forthwith to create an environment for a negotiated settlement of the Jammu and Kashmir based on the realisation of the right to self-determination of the people of Jammu and Kashmir;

Endorse the on-going efforts of the Government of Pakistan to seek a just and peaceful solution to the Kashmir issue;

Resolve that:

(a) the people of Jammu and Kashmir will not accept any elections or similar exercises held under Indian occupation with the aim of suppressing their right to self-determination;

(b) the people of Jammu and Kashmir shall continue their struggle for the realization of their right to self-determination promised to them by the United Nations;

(c) the will of the people of Jammu and Kashmir expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the UN is the sole basis for the final disposition of the Jammu and Kashmir dispute;

(d) the aspirations of the Kashmiri people constitute the primary basis for the settlement of the Jammu and Kashmir dispute.

Call on:

(a) the OIC Contact Group on Kashmir to express its serious concern to India at the sham elections in 1996 in Indian-held Kashmir, which contravene Resolutions 91 (1951) and 122 (1957) of the UN Security Council. These resolutions have clearly affirmed that "any action that (the Indian Government) may have taken, or might attempt to take to determine the future shape and affiliation (of Jammu and Kashmir) would not constitute a disposition of the State" in terms of these resolutions;

(b) the OIC Contact Group on Kashmir to impress upon the Indian Government to desist from exacerbating tensions in Jammu and Kashmir and between India and Pakistan;

(c) the Organization of the Islamic Conference to renew to the Government of India its offer of sending its fact finding mission to Jammu and Kashmir;

(d) the Organization of the Islamic Conference to renew to the Government of India its offer of sending its Good Offices mission to Jammu and Kashmir;

(e) the United Nations to ask India to withdraw its army of occupation from Jammu and Kashmir and to hold a plebiscite in Jammu and Kashmir, in a time-bound framework, in accordance with the U.N. Security Council resolutions;

(f) the U.N. Secretary-General to initiate a process of mediation to pave the way for the holding of a plebiscite in Jammu and Kashmir as laid down by the United Nations Security Council;

(g) the United Nations to send a good will mission to India, Pakistan and Jammu and Kashmir to facilitate resolution of the conflict.

(h) the United Nations to appoint a Special Representative on Jammu and Kashmir;

(i) the United Nations Security Council to expand the United Nations Military Observer Group in India and Pakistan (UNMOGIP) and give it the additional mandate to monitor human rights situation in Indian-held Kashmir and report on it;

(j) the United Nations to declare the leaders of the All Parties Hurriyat Conference (APHC) and Kashmiri human rights activists as "internationally protected persons".

(k) the United Nations to guarantee and protect the right to travel of the Kashmiri people;

(l) the United Nations Human Rights Commission to appoint a Special Rapporteur on Jammu and Kashmir;

(m) the United Nations Human Rights Commission to mandate the existing Special Rapporteurs on Torture, Extrajudicial, Summary or Arbitrary Executions, Violence against Women, Religious Intolerance, Independences of Judges and Lawyers to focus on the human rights crisis in Indian-held Kashmir;

(n) the United Nations High Commissioner for Refugees to designate Kashmiri people as "persons of concern" or internal refugees so that they could receive humanitarian assistance through the United Nations;

(o) the ICRC to intensify its humanitarian efforts in Indian-held Kashmir

on a sustained and comprehensive basis;

(p) the international community to exert influence with India to provide full access to international human rights organizations to visit Jammu and Kashmir;

(q) the Government of Pakistan to continue its efforts for a peaceful solution of the Kashmir issue, keeping in view the aspirations of the Kashmiri people, through all possible means, including a substantive and meaningful dialogue with India.

Note with regret that India has persisted in its inflexible position on the Jammu and Kashmir dispute during the recent talks between the Foreign Secretaries of India and Pakistan;

Appeal to all peace-loving people and nations of the world to help and support the people of Jammu and Kashmir in their struggle for the realization of their right to self-determination promised to them under the UN Security Council resolutions.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 17 April 1997 from the Permanent Representative of India to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

We have seen a letter dated 15 April 1997 addressed to you by the Ambassador of Niger based in Brussels transmitting a memorandum presented to the OIC Contact Group on Jammu and Kashmir by the self-styled "True Representatives of the Kashmiri people".

In a democracy, representatives of the people can only be elected: they can neither be self-appointed nor designated by foreign countries. The Indian State of Jammu and Kashmir enjoys a popularly elected government, following democratic elections that were held last year. Only the popularly elected government of Jammu and Kashmir enjoys the credentials to represent the people of Jammu and Kashmir.

The Government of India totally rejects the baseless allegations contained in this document.

I would like to request that this letter be circulated as an official document of the fifty-third session of the Commission on Human Rights under agenda item 10.

(Signed) Arundhati Ghose
Ambassador

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COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 19

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

Letter dated 16 April from the Permanent Representative of Turkey to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I would like to bring the following to your kind attention.

The document E/CN.4/1997/91 dated 30 December 1996 of the fifty-third session of the Commission on Human Rights, under item 19 of the provisional agenda concerning the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, in the last sentence of paragraph 51 on page 12 reads as follows: "The fate of the Muslims in Thrace is still bound up with that of the Greek minority and Orthodox Patriarchate in Constantinople." The said Greek minority and Orthodox Patriarchate are in Istanbul. Therefore, the word "Constantinople" should be replaced by the word "Istanbul".

Similarly the document A/51/542/Add.1 dated 7 November 1996 of the fifty-first session of the United Nations General Assembly, under item 110 (b) of the agenda concerning the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, in the last sentence of paragraph 119 on page 25 reads as follows: "Greece continues to link their treatment to that of the Greek minority and the Orthodox Patriarchate of Constantinople ...". In this sentence too, the word "Constantinople" should be replaced by the word "Istanbul".

The documents referred to above contain reports of Mr. Abdelfattah Amor, Special Rapporteur on freedom of religion and belief.

I would like to request you, Mr. Chairman, to circulate this letter as an official document of the fifty-third session of the Commission on Human Rights.

(Signed): Tugay ULUÇEVIK
Ambassador
Permanent Representative

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